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Public and local acts.

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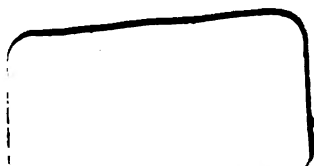
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1848





ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,

PASSED AT THE ANNUAL SESSION OF 1848.

WITH AN
APPENDIX,

CONTAINING THE

TREASURER'S ANNUAL REPORT, &C.

~~~~~  
**BY AUTHORITY.**  
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**Lansing:**

**BAGG & HARMON, PRINTERS TO THE STATE.**

**1848.**



# LIST OF ACTS

PASSED BY THE LEGISLATURE OF 1848.

| No. | TITLE.                                                                                                                                                                                                            |   |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|
| 1.  | An act to provide for the payment of the officers and members of the legislature, and for other purposes, approved January 12, 1848,                                                                              | 1 |
| 2.  | An act concerning the assessment, collection and return of the state tax for the year 1847, and for other purposes, approved January 13, 1848,                                                                    | 2 |
| 3.  | An act to change the name of the township of Pewonagawink, in the county of Genesee, approved January 15, 1848,                                                                                                   | 3 |
| 4.  | An act to provide for the collection of taxes in the township of Port Huron, in the county of St. Clair, for the year 1847, and to extend the time for the collection thereof, approved January 15, 1848,         | 4 |
| 5.  | An act to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this state to serve in the existing war with the Mexican Republic, approved January 15, | 4 |
| 6.  | An act to amend title 21, chapter 94, section 18 of the revised statutes, approved January 21,                                                                                                                    | 5 |
| 7.  | An act to amend an act entitled an act to appoint commissioners to lay out a certain state road, approved March 17, 1847, approved January 22,                                                                    | 5 |
| 8.  | An act to extend the time for the collection and return of certain taxes for the year 1847, in the township of Monroe and Frenchtown, approved January 25,                                                        | 6 |
| 9.  | An act relative to pending proceedings for the partition of real estate, approved January 25,                                                                                                                     | 7 |
| 10. | An act to amend an act entitled an act relative to ward elections in the city of Detroit, and for other purposes, approved March 27, 1839, approved January 25,                                                   | 8 |
| 11. | An act to change the name of the township of Wayne, in the county of Wayne, approved January 26,                                                                                                                  | 9 |
| 12. | An act to amend section 44 of chapter 12 of the revised statutes of 1846, approved January 26,                                                                                                                    | 9 |

| No. | TITLE.                                                                                                                                                                                                                                                                          | PAGE. |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 13. | An act to amend an act entitled an act to regulate proceedings in cases pending in chancery and the circuit court, and to amend an act for revising and consolidating the general statutes of Michigan, approved May 18, 1846, approved February 27, 1847, approved January 26, | 10    |
| 14. | An act to increase the number of masters in chancery in the several counties in the state, approved January 26,                                                                                                                                                                 | 11    |
| 15. | An act authorizing and empowering the Secretary of State to dispose by sale or exchange, of certain statute books, approved January 26,                                                                                                                                         | 11    |
| 16. | An act to extend the time for the collection of taxes in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, approved January 28,                                                                                                                      | 12    |
| 17. | An act to extend the time for the collection of taxes in the city of Detroit for the year 1847, approved January 29,                                                                                                                                                            | 13    |
| 18. | An act to provide for the payment of the Private Secretary of the Governor, and for other purposes, approved January 29,                                                                                                                                                        | 14    |
| 19. | An act to extend the time for the collection of certain taxes for the year 1847 in the township of Hamtramck, county of Wayne, approved January 29,                                                                                                                             | 14    |
| 20. | An act to provide for the payment of Andrew Harvie while claiming a seat in the House of Representatives, approved January 29,                                                                                                                                                  | 15    |
| 21. | An act to amend an act entitled an act appropriating certain highway taxes for the improvement of a road in the counties of Van Buren and Berrien, approved March 17, 1847, approved January 29,                                                                                | 16    |
| 22. | An act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River at Grand Rapids, approved January 29,                                                                                 | 16    |
| 23. | An act to amend an act entitled an act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 12, 1845, approved January 29,                                                                                                 | 18    |
| 24. | An act to provide for the payment of interest on the liquidated portion of the five million loan, approved January 29,                                                                                                                                                          | 19    |
| 25. | An act to extend the time for the collection and return of taxes in the township of Greenfield, in the county of Wayne, approved January 31,                                                                                                                                    | 20    |
| 26. | An act to extend the time for the collection and return of taxes in the township of Brighton, in the county of Livingston, approved January 31,                                                                                                                                 | 21    |
| 27. | An act to amend an act entitled an act to provide for the draining of swamps, marshes and other low lands, approved March 17, 1847, approved January 31,                                                                                                                        | 21    |
| 28. | An act authorizing the Commissioner of the State Land Office to sell to the township board of the township of Caledonia a certain piece of land, approved January 31,                                                                                                           | 22    |
| 29. | An act to amend an act entitled an act to amend section 44 of chapter 12 of the revised statutes, approved February 2,                                                                                                                                                          | 22    |
| 30. | An act designating the places for holding the senatorial canvass in senatorial districts numbers four and five, approved February 3,                                                                                                                                            | 23    |
| 31. | An act to authorize William H. Brown to build a dam across the Thornapple, in the county of Kent, approved February 3,                                                                                                                                                          | 23    |
| 32. | An act appropriating certain internal improvement lands for the bene-                                                                                                                                                                                                           |       |

# LIST OF ACTS.

| No. | TITLE.                                                                                                                                                                                                                                                                                                 | PAGE. |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     | of the Holland Colony, and other immigrants now settling in the counties of Ottawa and Allegan, approved February 3,                                                                                                                                                                                   | 24    |
| 33. | An act to authorize Joel Rathbone to sell certain lands, approved February 5,                                                                                                                                                                                                                          | 26    |
| 34. | An act to extend the time for the collection of taxes in the township of Pontiac, in the county of Oakland, approved February 7,                                                                                                                                                                       | 27    |
| 35. | An act to amend and add to the act approved January 25, 1848, entitled an act to amend an act entitled an act relative to ward elections in the city of Detroit, and for other purposes, approved March 27, 1839, approved February 8,                                                                 | 27    |
| 36. | An act authorizing John A. Brooks to build a dam across the Muskegon river, in the county of Newaygo, approved February 11,                                                                                                                                                                            | 29    |
| 37. | An act to provide for recording the evidences of the approval by the general government of the selections of lands made by this state under an act of Congress, and for other purposes, approved February 11,                                                                                          | 30    |
| 38. | An act requiring compensation for causing death by wrongful act, neglect or default, approved February 12,                                                                                                                                                                                             | 31    |
| 39. | An act authorizing the board of supervisors of Wayne county to levy a special tax for defraying the expenses of erecting a jail in and for said county, approved February 12,                                                                                                                          | 31    |
| 40. | An appropriating certain internal improvement lands for the purpose of constructing a bridge across Muskegon river, in the county of Newaygo, and for laying out, establishing and improving a road from Newaygo, in the county of Newaygo, to Grand Rapids, in the county Kent, approved February 14, | 32    |
| 41. | An act to organize certain townships in the counties of Marquette, Houghton, Schoolcraft and Ontonagon, approved February 15,                                                                                                                                                                          | 34    |
| 42. | An act to incorporate the Woodstock Manual Labor Institute, approved February 19,                                                                                                                                                                                                                      | 37    |
| 43. | An act to authorize Robert R. Thompson and Titus Yerkes to erect and maintain a dam across the Shiawassee river, approved February 19,                                                                                                                                                                 | 38    |
| 44. | An act to incorporate the Olivet Institute, approved February 22,                                                                                                                                                                                                                                      | 39    |
| 45. | An act to amend the charter of the city of Detroit, approved February 22,                                                                                                                                                                                                                              | 40    |
| 46. | An act to amend an act entitled an act to incorporate the Detroit River Sectional Floating Dock, Dry Dock and Marine Railway Company, approved February 24,                                                                                                                                            | 45    |
| 47. | An act to authorize the supervisors of the county of Genesee to build a free bridge across Flint river, at the village of Flint, approved February 24,                                                                                                                                                 | 46    |
| 48. | An act to alter the time of the annual charter election of the city of Monroe, approved February 28,                                                                                                                                                                                                   | 46    |
| 49. | An act to provide for the improvement of the Clinton river, in the county of Macomb, approved February 28,                                                                                                                                                                                             | 47    |
| 50. | An act to authorize Henry C. Smith, Henry Hall and George Miller to construct a free bridge across Grand River, approved February 28,                                                                                                                                                                  | 49    |
| 51. | An act to amend section six, chapter twenty-five, and section nine, chapter twenty-two and section sixteen of chapter twenty-four of the revised statutes, approved March 1,                                                                                                                           | 49    |
| 52. | An act to amend an act relative to the amount due the university                                                                                                                                                                                                                                       |       |

| No. | TITLE.                                                                                                                                                                                               | PAGE. |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|     | Fund from the county of Lenawee, approved March 15, 1845, approved March 1,                                                                                                                          | 50    |
| 53. | An act to provide for holding special elections in cases of vacancy in the office of county judge and second judge of the county courts, approved March 3,                                           | 50    |
| 54. | An act to amend an act entitled an act to incorporate the St Mary's Canal Company, approved March 4,                                                                                                 | 51    |
| 55. | An act to authorize the collection of certain taxes in the township of Flint, Genesee county, approved March 6,                                                                                      | 52    |
| 56. | An act for the repeal of the levying and collection of the annual tax for the support of the volunteer militia of this state, approved March 6.                                                      | 53    |
| 57. | An act directing the publication of a statement of lands to be sold in Clinton and Ingham counties in 1848, approved March 7.                                                                        | 54    |
| 58. | An act to amend chapter 142 of the revised statutes, entitled "of the relief of insolvent debtors on the application of an insolvent and his creditors," approved March 7.                           | 54    |
| 59. | An act to authorize Joel Andrews, of the county of Ionia, to convey certain real estate, approved March 7.                                                                                           | 55    |
| 60. | An act to organize certain townships, and for other purposes, approved March 9.                                                                                                                      | 55    |
| 61. | An act to amend an act to authorize the sale of certain lands on the Maccon Reserve, approved March 13.                                                                                              | 58    |
| 62. | An act relative to plank roads, approved March 13.                                                                                                                                                   | 59    |
| 63. | An act to provide for the laying out and establishing a certain state road, approved March 14.                                                                                                       | 67    |
| 64. | An act relative to specific state taxes on plank road, mining and other corporations not enumerated in the revised statutes of 1846, approved March 14.                                              | 67    |
| 65. | An act to lay out and establish a certain state road, approved March 14.                                                                                                                             | 68    |
| 66. | An act to incorporate the Detroit Merchants' Exchange Company, approved March 14.                                                                                                                    | 69    |
| 67. | An act to amend title twenty-one, chapter ninety-five, of the revised statutes of 1846, and for other purposes approved March 14.                                                                    | 70    |
| 68. | An act to change the name of the village of Florence, in the county of Shiawassee, approved March 14.                                                                                                | 71    |
| 69. | An act to amend chapter twenty-two of the revised statutes of 1846, relative to highways and bridges, approved March 15.                                                                             | 71    |
| 70. | An act to authorize the Commissioner of the State Land Office to convey to Joseph Miller, John Cannon, D. W. Noyes and Loren Andrews, certain lands selected for saline purposes, approved March 15. | 72    |
| 71. | An act relative to the village of Pontiac, approved March 15.                                                                                                                                        | 73    |
| 72. | An act to amend chapter twenty-five of the revised statutes of 1846, approved March 15.                                                                                                              | 74    |
| 73. | An act to amend chapter twenty of the revised statutes of 1846 relative to the assessment and collection of taxes, approved March 15.                                                                | 75    |
| 74. | An act to incorporate the Copper Falls Mining Company, approved March 15.                                                                                                                            | 76    |
| 75. | An act to provide for the improvement of the Detroit and Grand River road, approved March 15.                                                                                                        | 78    |



# LIST OF ACTS.

vii.

| No. | TRANS.                                                                                                                                                                     | PAGE. |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 76. | An act appropriating certain internal improvement lands for the improvement of the Detroit and Saginaw Turnpike within the county of Saginaw, approved March 15.           | 80    |
| 77. | An act to incorporate the North-Western Mining Company of Detroit, approved March 16.                                                                                      | 81    |
| 78. | An act for the improvement of the Paw Paw river, approved March 16.                                                                                                        | 83    |
| 79. | An act to organize a certain township, approved March 17.                                                                                                                  | 85    |
| 80. | An act to incorporate the Kalamazoo and Three Rivers Plank Road Company, approved March 17.                                                                                | 85    |
| 81. | An act to amend the charter, of the city of Monroe, and for other purposes, approved March 17.                                                                             | 86    |
| 82. | An act for the relief of Asa Pratt, approved March 17.                                                                                                                     | 86    |
| 83. | An act to provide for laying out and establishing a certain state road in the counties of Eaton, Barry and Allegan, and making appropriations therefor, approved March 17. | 90    |
| 84. | An act to provide for laying out a certain state road in the county of Allegan, approved March 18.                                                                         | 93    |
| 85. | An act to incorporate the Pittsburgh and Boston Mining Company of Pittsburgh, approved March 18.                                                                           | 94    |
| 86. | An act to authorize the laying out a state road from Thorn's Mills in Lapeer county, to Axford's Mills in Oakland county, approved March 18.                               | 97    |
| 87. | An act to amend an act entitled an act to amend an act entitled an act to incorporate the Shelby and Detroit Rail Road Company, approved March 18.                         | 98    |
| 88. | An act to amend chapter twenty-five of the revised statutes of 1846, relative to the laying out, altering and discontinuing highways, approved March 18.                   | 99    |
| 89. | An act to refund certain highway moneys in the county of Barry, approved March 18.                                                                                         | 100   |
| 90. | An act to establish a state road from the village of Lexington, in the county of St. Clair, to the eastern boundary of the county of Lapeer, approved March 18.            | 101   |
| 91. | An act to vacate an alley in the village of Albion, Calhoun county, approved March 20.                                                                                     | 102   |
| 92. | An act to authorize F. G. Hubinger and A. Cramer to erect and maintain a dam across the Cass river in the county of Saginaw, approved March 20.                            | 102   |
| 93. | An act to amend section twenty-three, chapter fifty-eight of the revised statutes of 1846, approved March 20.                                                              | 103   |
| 94. | An act to improve the main traveled road from Hastings in Barry county, to Battle Creek, approved March 20.                                                                | 103   |
| 95. | An act appropriating certain internal improvement lands for opening and improving the road from Corunna to the forks of Bad river, approved March 21.                      | 105   |
| 96. | An act making an appropriation for the improvement of the canal and navigation at the river Raisin, approved March 22.                                                     | 107   |
| 97. | An act authorizing Alexander McLeod to construct a canal from the river Sheboygan to Lake Huron, approved March 22.                                                        | 108   |

| No.  | TITLE.                                                                                                                                                                                                                                                        | Page. |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 98.  | An act to extend the limits of the township of Ionia, approved March 22.                                                                                                                                                                                      | 109   |
| 99.  | An act to amend an act entitled an act relative to plank roads, approved March 13, 1843, approved March 22.                                                                                                                                                   | 110   |
| 100. | An act to incorporate the Detroit and Saline Plank Road Company, approved March 22.                                                                                                                                                                           | 110   |
| 101. | An act to amend an act to incorporate the village of Grand Rapids, approved April 5, 1838, approved March 23.                                                                                                                                                 | 111   |
| 102. | An act to appropriate certain internal improvement lands for the purpose of improving a state road from Battle Creek in the county of Calhoun, through Bellevue and Charlotte in the county of Eaton, to Michigan in the county of Ingham, approved March 23. | 112   |
| 103. | An act appropriating certain internal improvement lands for the improvement of a state road in the counties of Livingston and Genesee, approved March 23.                                                                                                     | 114   |
| 104. | An act to regulate the first township election in the township of Grosse Point in the county of Wayne, and for other purposes, approved March 24.                                                                                                             | 116   |
| 105. | An act authorizing Marcus S. Stone to convey certain real estate, approved March 24.                                                                                                                                                                          | 116   |
| 106. | An act to amend an act incorporating the Pittsburgh and Boston Mining Company of Pittsburgh, approved March 24.                                                                                                                                               | 117   |
| 107. | An act to organize a school district from portions of the counties of St. Clair and Macomb, approved March 25.                                                                                                                                                | 117   |
| 108. | An act to incorporate the village of Mackinac, approved March 25.                                                                                                                                                                                             | 119   |
| 109. | An act to exempt a homestead from forced sale in certain cases, approved March 25.                                                                                                                                                                            | 124   |
| 110. | An act to incorporate the Leoni Theological Institute, approved March 25.                                                                                                                                                                                     | 125   |
| 111. | An act to amend an act entitled an act to incorporate the Lake Superior Fishing and Mining Company, approved March 31, 1840, approved March 25,                                                                                                               | 127   |
| 112. | An act to authorize Peter M. Kinde to build a dam across Grand River, approved March 25.                                                                                                                                                                      | 130   |
| 113. | An act to incorporate the Lac La Belle Mining Company, approved March 25.                                                                                                                                                                                     | 131   |
| 114. | An act to authorize certain persons to convey lands in the county of Allegan, approved March 27.                                                                                                                                                              | 134   |
| 115. | An act to incorporate the Bohemian Mining Company, approved March 27.                                                                                                                                                                                         | 136   |
| 116. | An act to incorporate the Albion Mining Company, approved March 27,                                                                                                                                                                                           | 138   |
| 117. | An act to amend chapter ninety and section one hundred and thirty-four of the revised statutes, approved March 27.                                                                                                                                            | 140   |
| 118. | An act to amend an act to provide for the recording of town plats, and for vacating the same in certain cases, approved April 19, eighteen hundred and thirty-nine, approved March 27.                                                                        | 141   |
| 119. | An act for the improvement of the Bellevue and Waterloo state road in the county of Eaton, approved March 27,                                                                                                                                                 | 142   |
| 120. | An act to lay out a state road in the counties of Montcalm and Kent, approved March 27,                                                                                                                                                                       | 144   |

# LIST OF ACTS.

ix.

| No.  | TITLE.                                                                                                                                                                                                                                                                                 | PAGE. |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 121. | An act to incorporate the Howell Academy, approved March 27,                                                                                                                                                                                                                           | 145   |
| 122. | An act to amend section five of chapter twenty of the revised statutes of eighteen hundred and forty-six, in relation to the assessment of taxes, approved March 27,                                                                                                                   | 147   |
| 123. | An act to incorporate the Douglass Houghton Mining Company, approved March 27,                                                                                                                                                                                                         | 148   |
| 124. | An act to incorporate Eagle Harbor Mining Company, approved March 27,                                                                                                                                                                                                                  | 150   |
| 125. | An act to amend an act entitled an act to authorize the supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River, at Grand Rapids, approved February 20, 1847, and the act amendatory thereto, approved January 29, 1848 ; approved March 28, | 152   |
| 126. | An act to incorporate the Medora Mining Company, approved March 28,                                                                                                                                                                                                                    | 153   |
| 127. | An act to incorporate the Ontonagon Mining Company of Michigan, approved March 28,                                                                                                                                                                                                     | 155   |
| 128. | An act to incorporate the Monroe Manufacturing Company, in the county of Monroe, approved March 28,                                                                                                                                                                                    | 157   |
| 129. | An act to incorporate the North American Mining Company of Detroit, approved March 28,                                                                                                                                                                                                 | 159   |
| 130. | An act to authorize Lois Youngs, widow of Derastus Youngs, to sell certain real estate, approved March 28,                                                                                                                                                                             | 161   |
| 131. | An act to amend an act entitled an act to incorporate the Cottonwood Swamp Turnpike Company, approved March 9, 1844, and the act to amend said act, approved March 24, 1845, approved March 28,                                                                                        | 161   |
| 132. | An act appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph, in Berrien county, to the village of La Grange, in the county of Cass, approved March 28,                                                    | 162   |
| 133. | An act appropriating certain internal improvement lands for improving a certain road in the county of Ottawa and for building a bridge and causeway at Grand Haven, in said county, approved March 28,                                                                                 | 164   |
| 134. | An act appropriating certain internal improvement lands for improving the navigation of the Kalamazoo River between the village of Allegan and lake Michigan, approved March 28,                                                                                                       | 166   |
| 135. | An act appropriating certain internal improvement lands for the benefit of the Holland Colony and settlers now settling in the counties of Saginaw and Tuscola, approved March 29,                                                                                                     | 167   |
| 136. | An act to lay out, establish and improve the Benton and Vermontville state road in the county of Eaton, approved March 29,                                                                                                                                                             | 170   |
| 137. | An act to amend chapter twenty-seven of the revised statutes of eighteen hundred and forty-six, relative to the erection, repairing and preservation of bridges, approved March 29,                                                                                                    | 171   |
| 138. | An act to incorporate the Leoni Seminary, approved March 29,                                                                                                                                                                                                                           | 172   |
| 139. | An act to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be receivable at the state land office in payment for internal improvement lands, approved March 29,                                                 | 174   |
| 140. | An act to establish a state road in the counties of Ingham, Genesee and Livingston, approved March 29,                                                                                                                                                                                 | 175   |

| NO.  | TITLE.                                                                                                                                                                                                                                                                                                                                                       | PAGE. |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 141. | An act authorizing the district board of school district number eleven, in the township of Coldwater, in the county of Branch, to borrow a certain sum of money, approved March 29,                                                                                                                                                                          | 177   |
| 142. | An act to incorporate the Mariners' Church of Detroit, approved March 29,                                                                                                                                                                                                                                                                                    | 177   |
| 143. | An act relative to taking depositions within this state, approved March 29,                                                                                                                                                                                                                                                                                  | 180   |
| 144. | An act authorizing Robert Palmer and Morris S. Allen to build a dam across the Grand River, in the county of Clinton, approved March 30,                                                                                                                                                                                                                     | 184   |
| 145. | An act to incorporate the Quincy Mining Company, approved March 30,                                                                                                                                                                                                                                                                                          | 185   |
| 146. | An act to incorporate the New York and Michigan Mining Company of Detroit, approved March 30,                                                                                                                                                                                                                                                                | 187   |
| 147. | An act to incorporate the Algonquin Mining Company, approved March 30,                                                                                                                                                                                                                                                                                       | 189   |
| 148. | An act to incorporate the Michigan Mining Company, approved March 30,                                                                                                                                                                                                                                                                                        | 191   |
| 149. | An act authorizing and requiring the Commissioner of the State Land Office to issue new certificates for school and university lands in certain cases, approved March 30,                                                                                                                                                                                    | 193   |
| 150. | An act concerning divorce, approved March 30,                                                                                                                                                                                                                                                                                                                | 194   |
| 151. | An act to incorporate the Washtenaw Woolen Manufacturing Company, in the county of Washtenaw, approved March 30,                                                                                                                                                                                                                                             | 195   |
| 152. | An act to amend an act to incorporate the Pontiac and Genesee Railroad Company, approved March 30,                                                                                                                                                                                                                                                           | 197   |
| 153. | An act to provide for the distribution of the annual reports of the state officers among the members and officers of the legislature, approved March 31,                                                                                                                                                                                                     | 204   |
| 154. | An act to authorize the Commissioner of the State Land Office to convey to Hiram Burnham certain lands selected for saline purposes, approved March 31,                                                                                                                                                                                                      | 205   |
| 155. | An act to provide for the improvement of the Detroit and Grand River road, approved March 31,                                                                                                                                                                                                                                                                | 205   |
| 156. | An act appropriating certain internal improvement lands for laying out and improving a state road from Lapeer, in Lapeer county, by the village of Almont to St. Clair, in St. Clair county, and which by intersecting with the Fort Gratiot Turnpike shall open a communication from the village of Almont to the village of Port Huron, approved March 31, | 207   |
| 157. | An act to amend an act to establish a board of auditors to investigate certain claims growing out of the sales of primary school lands, university and internal improvement lands, &c., approved March 24, 1845, approved March 31,                                                                                                                          | 209   |
| 158. | An act for the improvement of a certain road located in the southern tier of townships in the county of Kalamazoo, approved March 31,                                                                                                                                                                                                                        | 210   |
| 159. | An act appropriating certain internal improvement lands for the purpose of improving the Pontiac and Grand River state road from the village of Pontiac, in the county of Oakland, to the village of Byron, in the county of Shiawassee, approved March 31,                                                                                                  | 212   |
| 160. | An act to provide for laying out and improving certain roads in the                                                                                                                                                                                                                                                                                          |       |

# LIST OF ACTS.

xi.

| No.  | TITLE.                                                                                                                                                                                                                                                                      | PAGE. |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      | county of Clinton, and making appropriations of internal improvement lands therefor, approved March 31,                                                                                                                                                                     | 213   |
| 161. | An act to authorize Daniel S. Lee, Charles P. Bush and John Thomas to erect and maintain a dam across the Grand River, in the county of Ingham, approved March 31,                                                                                                          | 215   |
| 162. | An act to authorize the minor heirs of Sophia Howell, late of Hillsdale county, deceased, to convey certain real estate, approved March 31,                                                                                                                                 | 216   |
| 163. | An act to empower the judge of probate of the county of Berrien to authorize a sale of certain real estate, approved April 1,                                                                                                                                               | 217   |
| 164. | An act relative to the filing of oaths of office and bonds of civil officers, &c., approved April 1,                                                                                                                                                                        | 218   |
| 165. | An act to provide for laying out and establishing certain state roads, approved April 1,                                                                                                                                                                                    | 219   |
| 166. | An act to provide for laying out and establishing certain state roads, approved April 1,                                                                                                                                                                                    | 220   |
| 167. | An act to incorporate the New England Mining Company, approved April 1,                                                                                                                                                                                                     | 221   |
| 168. | An act to incorporate the National Mining Company, approved April 1,                                                                                                                                                                                                        | 223   |
| 169. | An act to incorporate the Ann Arbor Manufacturing Company, approved April 1,                                                                                                                                                                                                | 225   |
| 170. | An act to establish a state road from the village of Fentonville, in Genesee county, to Springfield, in Oakland county, approved April 1,                                                                                                                                   | 227   |
| 171. | An act to change the names of certain religious societies, approved April 1,                                                                                                                                                                                                | 227   |
| 172. | An act to extend the time for perfecting sales on property levied upon for delinquent taxes for the year eighteen hundred and forty-seven, in the village of Pontiac, approved April 1,                                                                                     | 228   |
| 173. | An act to provide for funding the outstanding internal improvement warrants of this state and interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part-paid five million loan bonds, approved April 1,    | 228   |
| 174. | An act to provide for the completion of the capitol buildings, and for the improvement of the capitol grounds, and making appropriations therefor, and for the erection of a bridge and improvement of streets on a portion of the town plat of Michigan, approved April 1, | 232   |
| 175. | An act to incorporate the Detroit Union Society of Carpenters and Joiners, approved April 1,                                                                                                                                                                                | 234   |
| 176. | An act to amend an act entitled an act relative to plank roads, approved March 13, 1848, approved April 1,                                                                                                                                                                  | 236   |
| 177. | An act to regulate and define the jurisdiction of the circuit and county courts, approved April 3,                                                                                                                                                                          | 236   |
| 178. | An act supplementary to an act entitled an act to regulate and define the jurisdiction of the circuit and county courts, approved April 3,                                                                                                                                  | 239   |
| 179. | An act to amend an act entitled an act to revise the poor laws repealed by the revised statutes in certain counties, approved April 3,                                                                                                                                      | 241   |
| 180. | An act to authorize Betsey Hitchcock and Milton R. Moore to convey certain real estate, approved April 3,                                                                                                                                                                   | 241   |
| 181. | An act for the relief of Nancy Butler, approved April 3,                                                                                                                                                                                                                    | 242   |

| No.  | TITLE.                                                                                                                                                                                                                          | PAGE. |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 182. | An act relative to the last will and testament of the Rev. Gabriel Richard, deceased, approved April 3,                                                                                                                         | 242   |
| 183. | An act to incorporate the Hillsdale and Indiana Plank Road Company, approved April 3,                                                                                                                                           | 243   |
| 184. | An act further to provide for the organization of the township of Grosse Point, approved April 3,                                                                                                                               | 244   |
| 185. | An act authorizing the district board of fractional school district number one in the townships of Battle Creek, Emmet and Bedford, in the county of Calhoun, to borrow a certain sum of money, approved April 3,               | 245   |
| 186. | An act to authorize Luther B. Hill and Porter S. Pennel to build a dam across the Thornapple river, on section thirty-one, township four, north of range nine west, in the county of Barry, approved April 3,                   | 245   |
| 187. | An act to establish an asylum for the deaf, dumb and blind, also an asylum for the insane of the state of Michigan, approved April 3,                                                                                           | 246   |
| 188. | An act for the relief of George Buck, approved April 3,                                                                                                                                                                         | 249   |
| 189. | An act appropriating certain internal improvement lands for improving the road between the villages of Eaton Rapids and Michigan, approved April 3,                                                                             | 249   |
| 190. | An act appropriating certain internal improvement lands for opening and improving the state road from Constantine, in St. Joseph county, to Paw Paw, in Van Buren county, through Cassopolis, in Cass county, approved April 3, | 251   |
| 191. | An act to prevent the circulation of foreign notes, approved April 3,                                                                                                                                                           | 252   |
| 192. | An act to amend chapter sixteen of the revised statutes of 1846, approved April 3,                                                                                                                                              | 253   |
| 193. | An act to authorize the assessment and collection of a certain tax in the township of Bertrand, in the county of Berrien, approved April 3,                                                                                     | 253   |
| 194. | An act to amend the revised statutes of 1846, concerning the assessment and collection of taxes, and the act amendatory thereof, approved March 17, 1847, approved April 3,                                                     | 254   |
| 195. | An act to amend an act entitled an act to incorporate the village of Jackson, approved April 3,                                                                                                                                 | 258   |
| 196. | An act to amend chapter one hundred and seventy-two of the revised statutes of 1846, approved April 3,                                                                                                                          | 275   |
| 197. | An act to amend an act entitled an act to authorize the sale of the Central Rail Road, and to incorporate the Michigan Central Rail Road Company, approved April 3,                                                             | 276   |
| 198. | An act making appropriations for the salaries of state officers for the year 1848, approved April 3,                                                                                                                            | 277   |
| 199. | An act to incorporate the St. Joseph Valley Rail Road Company, approved April 3,                                                                                                                                                | 278   |
| 200. | An act to create a board of fund commissioners and to define their powers and duties, approved April 3,                                                                                                                         | 293   |
| 201. | An act in relation to rooms for the supreme court in the city of Detroit, and armory and office for the Adjutant General, approved April 3,                                                                                     | 294   |
| 202. | An act to incorporate the Genesee and Oakland Rail Road Company, approved April 3.                                                                                                                                              | 294   |
| 203. | An act concerning the village of Hillsdale, approved April 3.                                                                                                                                                                   | 309   |
| 204. | An act to authorize the corporation of the village of Adrian to borrow                                                                                                                                                          |       |

# LIST OF ACTS.

xiii.

| No.  | TITLE.                                                                                                                                                                                                                                                                                                                  | PAGE. |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
|      | money for the purposes therein mentioned, approved April 3.                                                                                                                                                                                                                                                             | 309   |
| 205. | An act to amend an act to provide for the draining of swamps, marshes and other low lands, approved April 3.                                                                                                                                                                                                            | 311   |
| 206. | An act to amend the revised statutes of 1846, approved April 3.                                                                                                                                                                                                                                                         | 312   |
| 207. | An act to amend an act entitled an act to incorporate the Adrian Insurance Company, approved April 3.                                                                                                                                                                                                                   | 316   |
| 208. | An act to legalize the proceedings of the Trustees of the First Society of the Methodist Episcopal Church in the township of Hadley in the county of Lapeer, approved April 3.                                                                                                                                          | 317   |
| 209. | An act to incorporate the Macomb county Mutual Insurance Company, approved April 3.                                                                                                                                                                                                                                     | 317   |
| 210. | An act to authorize the supervisors of Berrien county to construct and maintain certain bridges in that county, approved April 3.                                                                                                                                                                                       | 321   |
| 211. | An act making appropriations to defray certain expenses authorized for the year 1848, approved April 3.                                                                                                                                                                                                                 | 322   |
| 212. | An act to lay out a certain state road from Marshall to Eaton Rapids, approved April 3.                                                                                                                                                                                                                                 | 329   |
| 113. | An act to authorize Sarah Mariah Parsons, Louisa W. Shafer, Sarah Wait and Charles D. Wait, to convey certain lands, approved April 3.                                                                                                                                                                                  | 330   |
| 214. | An act to incorporate the Lake Superior Mining Company, of Eagle River, approved April 3.                                                                                                                                                                                                                               | 331   |
| 215. | An act to incorporate the Marshall Manufacturing Company in the county of Calhoun, approved April 3.                                                                                                                                                                                                                    | 332   |
| 216. | An act to authorize Jemima Cole of the county of Clinton, to convey certain real estate, approved April 3.                                                                                                                                                                                                              | 334   |
| 217. | An act to vacate a certain alley in the village of Byron, approved April 3.                                                                                                                                                                                                                                             | 334   |
| 218. | An act to authorize Harriet Woolcot and Isaac B. Hathaway to convey certain real estate, approved April 3.                                                                                                                                                                                                              | 335   |
| 219. | An act to establish a state road from the village of Flushing, in the county of Genesee, to the village of Saginaw in the county of Saginaw, approved April 3.                                                                                                                                                          | 335   |
| 220. | An act to authorize the county of Ingham to borrow a certain sum of money, approved April 3.                                                                                                                                                                                                                            | 336   |
| 221. | An act supplemental to and amendatory of an act to provide for funding the out-standing internal improvement warrants of this state, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds, approved April 3. | 337   |
| 222. | An act to incorporate the Jackson Mining Company of Jackson, approved April 3.                                                                                                                                                                                                                                          | 337   |
| 223. | An act to incorporate the Union Church of Flushing, approved April 3.                                                                                                                                                                                                                                                   | 339   |
| 224. | An act to provide for laying out a state road from Michigan to Mason, approved April 3.                                                                                                                                                                                                                                 | 340   |
| 225. | An act to incorporate the Mackinaw and Lake Superior Mining Company, approved April 3.                                                                                                                                                                                                                                  | 341   |
| 226. | An act to repeal a part of an act entitled an act to provide for establishing and improving the Pontiac and Grand River road, approved April 3.                                                                                                                                                                         | 343   |

| No.  | TITLE.                                                                                                                                                                                                                                | PAGE. |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 227. | An act to vacate certain streets in the village of Union City, approved April 3.                                                                                                                                                      | 343   |
| 228. | An act to organize the county of Sanilac, approved April 3.                                                                                                                                                                           | 344   |
| 229. | An act to organize four counties in the Upper Peninsula and define the boundaries of the same, approved April 3.                                                                                                                      | 345   |
| 230. | An act to provide for the payment of the bonds of this state, approved April 3.                                                                                                                                                       | 347   |
| 231. | An act granting to school districts and religious denominations of professing Christians suitable grounds in the town of Michigan owned by the state, whereon to erect houses for public worship and school houses, approved April 3. | 348   |
| 232. | An act relative to circuit courts, and for other purposes, approved April 3.                                                                                                                                                          | 349   |
| 233. | An act relative to insurance on lives for the benefit of married women, approved April 3.                                                                                                                                             | 350   |
| 234. | An act to incorporate the Oakland and Ottawa Rail Road Company, approved April 3.                                                                                                                                                     | 351   |
| 235. | An act to incorporate the Grand River Plank Road Company, approved April 3.                                                                                                                                                           | 366   |
| 236. | An act to incorporate the Monroe and Erie Plank Road Company, approved April 3.                                                                                                                                                       | 367   |
| 237. | An act to change the name of the town of Michigan, approved April 3.                                                                                                                                                                  | 368   |
| 238. | An act to incorporate the Jackson and Michigan Plank Road Company, approved April 3.                                                                                                                                                  | 368   |
| 239. | An act to incorporate the Brest and Ypsilanti Plank Road Company, approved April 3.                                                                                                                                                   | 369   |
| 240. | An act to incorporate the Pontiac and Lapeer Plank Road Company, approved April 3.                                                                                                                                                    | 370   |
| 241. | An act to incorporate the Dexter and Michigan Plank Road Company, approved April 3.                                                                                                                                                   | 372   |
| 242. | An act to incorporate the Genesee County Plank Road Company, approved April 3.                                                                                                                                                        | 373   |
| 243. | An act to incorporate the Michigan and Mason Plank Road Company, approved April 3.                                                                                                                                                    | 374   |
| 244. | An act to incorporate the Clinton and Bad River Plank Road Company, approved April 3.                                                                                                                                                 | 375   |
| 245. | An act to incorporate the Detroit and Utica Plank Road Company, approved April 3.                                                                                                                                                     | 376   |
| 246. | An act to incorporate the Indiana and Adrian Plank Road Company, approved April 3.                                                                                                                                                    | 377   |
| 247. | An act to incorporate the Lapeer and Pontiac Plank Road Company, approved April 3.                                                                                                                                                    | 378   |
| 248. | An act to incorporate the Tecumseh and Jackson Plank Road Company, approved April 3.                                                                                                                                                  | 379   |
| 249. | An act to incorporate the Romeo and Lapeer Plank Road Company, approved April 3.                                                                                                                                                      | 380   |
| 250. | An act to incorporate the Battle Creek and Union City Plank Road Company, approved April 3.                                                                                                                                           | 381   |
| 251. | An act to incorporate the Detroit and Erin Plank Road Company, approved April 3.                                                                                                                                                      | 382   |



# LIST OF ACTS.

IV.

| No.  | TITLE.                                                                                                                                                                       | PAGE. |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 252. | An act to incorporate the Portland and Michigan Plank Road Company, approved April 3.                                                                                        | 383   |
| 253. | An act to incorporate the Mt. Clemens and Sterling Plank Road Company, approved April 3.                                                                                     | 384   |
| 254. | An act to incorporate the Owasso and Bad River Plank Road Company, approved April 3.                                                                                         | 385   |
| 255. | An act to incorporate the Detroit and Birmingham Plank Road Company, approved April 3.                                                                                       | 386   |
| 256. | An act to incorporate the Ann Arbor and Monroe Plank Road Company, approved April 3.                                                                                         | 387   |
| 257. | An act to incorporate the Mt. Clemens and Romeo Plank Road Company, approved April 3.                                                                                        | 388   |
| 258. | An act to incorporate the Rochester and Royal Oak Plank Road Company, approved April 3.                                                                                      | 389   |
| 259. | An act to incorporate the Paw Paw Plank Road Company, approved April 3.                                                                                                      | 390   |
| 260. | An act to incorporate the Monroe and Saline Plank Road Company, approved April 3.                                                                                            | 391   |
| 261. | An act to incorporate the Kalamazoo and Black Lake Plank Road Company, approved April 3.                                                                                     | 393   |
| 262. | An act to incorporate the Michigan and Dewitt Plank Road Company, approved April 3.                                                                                          | 394   |
| 263. | An act to incorporate the Corunna and Saginaw Plank Road Company, approved April 3.                                                                                          | 395   |
| 264. | An act to incorporate the Ann Arbor and Michigan Plank Road Company, approved April 3.                                                                                       | 396   |
| 265. | An act to incorporate the Brooklin and Rome Plank Road Company, approved April 3.                                                                                            | 397   |
| 266. | An act to incorporate the Detroit and Howell Plank Road Company, approved April 3.                                                                                           | 398   |
| 267. | An act to incorporate the Eaton Rapids Plank Road Company, approved April 3.                                                                                                 | 400   |
| 268. | An act to incorporate the Battle Creek and Michigan Plank Road Company, approved April 3.                                                                                    | 401   |
| 269. | An act to incorporate the Battle Creek and Gull Prairie Plank Road Company, approved April 3.                                                                                | 402   |
| 270. | An act to incorporate the Detroit and Mt. Clemens Plank Road Company, approved April 3.                                                                                      | 403   |
| 271. | An act to incorporate the Flint and Fentonville Plank Road Company, approved April 3.                                                                                        | 404   |
| 272. | An act to incorporate the New Baltimore and Romeo Plank Road Company, approved April 3.                                                                                      | 405   |
| 273. | An act to change the time for the collection of taxes in the counties of Chippewa, Marquette, Houghton, Schoolcraft and Ontonagon, and for other purposes, approved April 3. | 406   |
| 274. | An act to provide for statistical information, approved April 3.                                                                                                             | 406   |
| 275. | An act to establish a state road from the village of Michigan in the county of Ingham, to Saginaw City in the county of Saginaw, approved April 3.                           | 409   |
| 276. | An act to authorize Stephen V. Kinney to build a dam across Grand River, approved April 3,                                                                                   | 410   |

| No.  | TITLE.                                                                                                                                                                                                                                                                           | PAGE. |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 277. | An act to lay out a road in the counties of Montcalm and Ionia, approved April 3,                                                                                                                                                                                                | 411   |
| 278. | An act to incorporate the Adrian and Union City Plank Road Company, approved April 3,                                                                                                                                                                                            | 412   |
| 279. | An act to incorporate the Adrian and Jackson Plank Road Company, approved April 3,                                                                                                                                                                                               | 413   |
| 280. | An act to incorporate the Adrian and Bean Creek Plank Road Company, approved April 3,                                                                                                                                                                                            | 414   |
| 281. | An act to incorporate the Adrian and White Pigeon Plank Road Company, approved April 3,                                                                                                                                                                                          | 415   |
| 282. | An act to incorporate the Harrison and Jackson Plank Road Company, approved April 3,                                                                                                                                                                                             | 416   |
| 283. | An act to authorize the supervisors of the county of Kalamazoo to build a free bridge across the Kalamazoo river, at the village of Kalamazoo, and for other purposes, approved April 3,                                                                                         | 417   |
| 284. | An act to provide for the improvement of the main road from Jackson, in the county of Jackson, to Michigan, in Ingham county, approved April 3,                                                                                                                                  | 418   |
| 285. | An act to provide for the construction and improvement of the northern wagon road from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee, to Corunna, in the county of Shiawassee, approved April 3.                                            | 419   |
| 286. | An act appropriating certain internal improvement lands for opening and improving the roads in the county of Branch, approved April 3,                                                                                                                                           | 421   |
| 287. | An act for improving a certain road in the county of Hillsdale, approved April 3,                                                                                                                                                                                                | 422   |
| 288. | An act providing for the appropriation of certain internal improvement lands on the state road leading from Lexington, in the county of St. Clair, to Rogers' mills, in Lapeer county, approved April 3,                                                                         | 424   |
| 289. | An act to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same, approved April 3,                                                                                                   | 426   |
| 290. | An act appropriating certain internal improvement lands for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw, approved April 3,                                                                                            | 428   |
| 291. | An act providing for internal improvement in the county of Lenawee, approved April 3,                                                                                                                                                                                            | 430   |
| 292. | An act appropriating certain internal improvement lands for the constructing of a free bridge across the Clinton river, in the village of Pontiac, approved April 3,                                                                                                             | 431   |
| 293. | An act to authorize the board of auditors of the county of Wayne to repair or rebuild the two draw bridges over the river Rouge, the one in the township of Greenfield and the other in the township of Springwells, in said county, approved April 3,                           | 432   |
| 294. | An act to provide for the opening and improving the road leading from the south line of the township of Metamora to the Holland Colony, in the county of Tuscola, and for the building of a bridge across the Cass river, at or near "Hurd's mill," so called, approved April 3, | 433   |
| 295. | An act to aid in the construction of certain bridges in the county of Kent, approved April 3,                                                                                                                                                                                    | 436   |

# RESOLUTIONS.

| No. | TITLE.                                                                                                                                                                                                                                                                                                                                  | PAGE. |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 1.  | Joint resolution relative to postage, approved January 14,                                                                                                                                                                                                                                                                              | 437   |
| 2.  | Joint resolution relative to an arrangement with the Postmaster of Michigan in regard to postage, approved January 14,                                                                                                                                                                                                                  | 437   |
| 3.  | Joint resolution directing the Secretary of State to furnish the members of each House and the officers thereof, one copy of the revised statutes, &c., approved January 14,                                                                                                                                                            | 438   |
| 4.  | Joint resolution relative to printing a manual for the present legislature, approved January 14,                                                                                                                                                                                                                                        | 438   |
| 5.  | Joint resolution relative to a settlement of the claim of Henry B. Lathrop, approved January 14,                                                                                                                                                                                                                                        | 438   |
| 6.  | Joint resolution relative to a carpet for the state library, approved January 18,                                                                                                                                                                                                                                                       | 439   |
| 7.  | Joint resolution relative to the printing of the journals, approved January 24,                                                                                                                                                                                                                                                         | 439   |
| 8.  | Joint resolution relative to the permanent enrollment of the 1st Regiment of Michigan Volunteers into the service of the United States, under any act of Congress now in force or which may become a law during the present session of Congress, approved January 25,                                                                   | 440   |
| 9.  | Joint resolution relative to a settlement of the claims of Benjamin Porter, approved January 29,                                                                                                                                                                                                                                        | 441   |
| 10. | Joint resolution relative to furnishing certain township officers with copies of laws, approved January 20,                                                                                                                                                                                                                             | 441   |
| 11. | Joint resolution relative to a joint committee on the state prison, approved February 3,                                                                                                                                                                                                                                                | 442   |
| 12. | Joint resolution relative to the public works of the state of Michigan, approved February 3,                                                                                                                                                                                                                                            | 442   |
| 13. | Joint resolution to authorize the Board of State Auditors to settle certain claims, approved February 5,                                                                                                                                                                                                                                | 443   |
| 14. | Joint resolution relative to the settlement of the claim of Alexander Titchworth, approved February 7,                                                                                                                                                                                                                                  | 443   |
| 15. | Joint resolution relative to the distribution of the laws, approved February 7,                                                                                                                                                                                                                                                         | 444   |
| 16. | Joint resolution relative to the establishing of a mail route from Detroit to Michigan, approved February 8,                                                                                                                                                                                                                            | 444   |
| 17. | Joint resolution authorizing the delivery of certain public documents to the county clerks of the several counties of this state, approved February 8,                                                                                                                                                                                  | 445   |
| 18. | Joint resolution relative to the subdivision of section number sixteen in township eight, south of range fourteen west, approved February 11,                                                                                                                                                                                           | 445   |
| 19. | Joint resolution relative to the compilation of the school laws, approved February 24,                                                                                                                                                                                                                                                  | 446   |
| 20. | Joint resolution relative to the Government of the United States refunding to the State of Michigan any and all sums of money expended by this state in fitting out the first Regiment of Michigan Volunteer Infantry, in pursuance of a requisition made by the War Department upon the Executive of this state, approved February 25, | 446   |
| 21. | Joint resolution requiring a report from the Trustees of the Michigan                                                                                                                                                                                                                                                                   |       |

| No. | TITLE.                                                                                                                                                                                                                                                                                         | PAGE |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|     | Central College, approved February 26,                                                                                                                                                                                                                                                         | 447  |
| 22. | Joint resolution relative to a donation of lands by the general government for the erection of State Asylums for the Insane, Blind, Deaf and Dumb, approved February 29,                                                                                                                       | 447  |
| 23. | Joint resolution relative to the sale of the Salt Spring Lands lying east of the principal meridian, February 29,                                                                                                                                                                              | 447  |
| 24. | Joint resolution for the construction of a road from some eligible point on Green Bay, Lake Michigan, to Keewawenon Bay, Lake Superior, approved March 3,                                                                                                                                      | 448  |
| 25. | Joint resolution relative to a settlement of the claim of James Watkins, approved March 7,                                                                                                                                                                                                     | 448  |
| 26. | Joint resolution in relation to the claim of John L. Smith, Hosea B. Richardson and Samuel Richardson, approved March 9,                                                                                                                                                                       | 449  |
| 27. | Joint resolution relative to obtaining from the Congress of the United States to, and for the use of St. Marie's Canal Company the right of way of constructing a Canal at the Saut Ste. Marie over and upon lands now held by the general government as a military reserve, approved March 9, | 450  |
| 28. | Joint resolution relative to the claim of Charles W. Chapel and David M. Price, for damages against the state of Michigan, approved March 11,                                                                                                                                                  | 450  |
| 29. | Joint resolution for the relief of William W. Harwood, approved March 14,                                                                                                                                                                                                                      | 451  |
| 30. | Joint resolution authorizing a settlement with Nelson H. Bennit and Elijah Bennit, approved March 14,                                                                                                                                                                                          | 452  |
| 31. | Joint resolution relative to an adjustment of the claim of Diodate Hubbard, approved March 17,                                                                                                                                                                                                 | 452  |
| 32. | Joint resolution authorizing the appointment of an assistant librarian, approved March 18,                                                                                                                                                                                                     | 453  |
| 33. | Joint resolution relative to the settlement of the claim of Patrick Kilfoil, approved March 20,                                                                                                                                                                                                | 453  |
| 34. | Joint resolution relative to the claim of Joseph L. F. Langley, approved March 20,                                                                                                                                                                                                             | 454  |
| 35. | Joint resolution concerning the Saut de Ste. Marie,                                                                                                                                                                                                                                            | 454  |
| 36. | Joint resolution relative to costs before the board of state auditors, approved March 27,                                                                                                                                                                                                      | 457  |
| 37. | Joint resolution proposing an amendment to the constitution relative to certain public officers, approved March 27,                                                                                                                                                                            | 458  |
| 38. | Joint resolution relative to the claim of the Attorney General, approved March 29,                                                                                                                                                                                                             | 456  |
| 39. | Joint resolution relative to the claim of John Keane, approved April 3,                                                                                                                                                                                                                        | 459  |
| 40. | Joint resolution relative to the claim of Charles L. Bird and Joseph A. Kent, approved April 3,                                                                                                                                                                                                | 450  |
| 41. | Joint resolution in relation to certain lots in the town of Michigan, approved April 3,                                                                                                                                                                                                        | 460  |
| 42. | Joint resolution authorizing a special meeting of the board of auditors, approved April 3,                                                                                                                                                                                                     | 461  |
| 43. | Joint resolution relative to certain lands, approved April 3,                                                                                                                                                                                                                                  | 461  |
| 44. | Joint resolution relative to the claim of Whitney Jones, approved April 3,                                                                                                                                                                                                                     | 462  |

# RESOLUTIONS. .

xix.

| No. | TITLE.                                                                                                       | PAGE. |
|-----|--------------------------------------------------------------------------------------------------------------|-------|
| 45. | Joint resolution relative to the Detroit and Pontiac Rall Road, approved April 3,                            | 462   |
| 46. | Joint resolution relative to Statistical Information of the Insane, Deaf, Dumb and Blind, approved April 3,  | 463   |
| 47. | Joint resolution relative to the claim of Edward G. Adderly, approved April 3,                               | 464   |
| 48. | Joint resolution authorizing the Auditor General to draw a certain warrant, approved April 3,                | 464   |
| 49. | Joint resolution relative to the distribution of the session laws, journals and documents, approved April 3, | 465   |
| 50. | Joint resolution relative to the claim of Joab Page, approved April 3,                                       | 465   |
| 51. | Joint resolution relative to the settlement of the claim of William Mabury, approved April 3,                | 466   |
| 52. | Joint resolution relative to the State Prison building, approved April 3,                                    | 467   |



# LAWS OF MICHIGAN.

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## No. 1.

AN ACT to provide for the payment of the Officers and Members of the Legislature, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the compensation of Members of the Senate and of the House of Representatives shall be three dollars per day each, and that of the Speaker of the House, his per diem allowance inclusive, six dollars per day ; and the mileage of said members shall be computed at the rate of three dollars for every twenty miles to and from the Capital upon the usual travelled route.

Compensation of members of the Senate and House, and of Speaker.

Sec. 2. The Secretary of the Senate, and Clerks, and Sergeant-at-arms of either House, shall be allowed three dollars per day ; the fireman of either House shall be allowed one dollar and fifty cents per day, and the messengers of either House one dollar per day during the session of the House to which they respectively belong.

Compensation of officers.

Sec. 3. Such sums as may be due to the President or President pro tempore, of the Senate, shall be certified to by the Secretary of the Senate, and to the Speaker of the House by the Clerk thereof ; and such sums as may be due to the several members and other officers of either House, under the preceding sections, shall be certified to by the presiding officer of the respective Houses.

How certified.

Sec. 4. Upon presentation of any such certificate at the State Treasury, countersigned by the Auditor General, the State Treasurer is hereby authorized and directed to pay the same out of any moneys in the Treasury, to the credit of the general fund, not otherwise appropriated.

How paid.

Auditor General to contract for wood for Capitol.

Sec. 5. The Auditor General is hereby authorized to contract for the preparation and delivery of the necessary firewood for the use of the State officers at the Capitol, and of the two Houses of the Legislature during the present session, and upon the presentation at the State Treasury of any account for such firewood actually furnished during said period of time, duly audited and certified to by the Auditor General, the State Treasurer is hereby authorized and directed to pay the same out of any moneys in the Treasury, to the credit of the general fund, not otherwise appropriated.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 12, 1848.

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No. 2.

AN ACT concerning the assessment, collection and returns of the State tax for the year 1847, and for other purposes.

Assessment of State tax for 1847 heretofore made, legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessment of the State tax for the year one thousand eight hundred and forty-seven, by the Boards of Supervisors in the counties in which such assessment has been made, (and the several tax rolls in which said tax is assessed and set down, and which are now in the hands of the respective Township Treasurers in said counties,) shall have the same force and validity in the law, as though the levying of the same had previously been authorized by law, and the said Township Treasurers are hereby authorized and required to collect the said tax with the other taxes enumerated and inserted in their respective rolls as directed by the warrant for the collection of the same as prescribed by law, and all the existing provisions of law concerning the collection and returns of taxes, shall be applicable to the collection and returns of said State tax, and the same shall be made with the other taxes above mentioned in the same manner and at the same time as is therein prescribed.

Duty of Township Treasurers.

Supervisors where assessment has been omitted to assess State tax for 1817.

Sec. 2. The Boards of Supervisors for the counties in which the assessment of the said State tax for the year 1847 has been omitted or neglected to be made, are hereby authorized and required to assess such tax at the rate of two and a half mills on the dollar of the aggregate equalized valuation of all the taxable property of their respective



counties for the said year, at the time of the assessment of the taxes required by law to be assessed for the year 1848, and the said State tax shall be inserted in the several tax rolls of the last mentioned year in the column for State, county and town taxes, and be collected or returned with the other taxes, and in the same manner as the laws prescribe.

Sec. 3. The tax for the annual support and ordinary expenses of the State government for the year 1848 and for each subsequent year, shall be at the rate of two and a half mills on the dollar of the aggregate equalized valuation of all the taxable property of the several counties, and the same shall be annually assessed by the several Boards of Supervisors of the respective counties at the time of the assessment of other taxes required by law ; and the Auditor General is hereby required on the first day of February next, and on the first day of February in each and every year thereafter, to charge to the several counties the amounts ascertained to be due for their quota of the said tax respectively, according to their returns of the said valuation, as provided by law.

Rate of general State tax to be assessed annually hereafter.

Sec. 4. The Auditor General is hereby directed to transmit for publication copies of this act to the State paper, and Advertiser of the city of Detroit, and to one other newspaper published in each Senatorial District, as soon as is practicable after its passage.

Publication of the act.

Sec. 5. This act shall take effect, and be in force from and after its passage.

Approved January 13, 1848.

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No. 3.

AN ACT to change the name of the township of Pewonagawink, in the county of Genesee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the name of the township of Pewonagawink, in the county of Genesee, be, and the same is hereby changed to "Montrose," and by that name shall hereafter be known and designated.

Name of Pewonagawink changed to "Montrose."

Approved January 15, 1848.

## No. 4.

AN ACT to provide for the collection of taxes in the township of Port Huron, in the county of St. Clair, for the year 1847, and to extend the time for the collection thereof.

Tax roll of township of Port Huron for 1847 legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the tax roll for the township of Port Huron, in the county of St. Clair, for the year 1847, be, and the same is hereby declared to be as valid and legal as if the same had been made out and delivered to the Township Treasurer, at the time prescribed by law. And that the Supervisor of said township deliver said roll to the said Treasurer, with his warrant for the collection thereof, as soon as may be after notice of the passage of this act.

Township treasurer to file bond.

Sec. 2. That the Treasurer of said township file his bond, as required by law, within five days after the reception of said roll, and before he proceeds to the collection of the taxes.

Time for collecting taxes extended.

Sec. 3. That the time for the collection of said taxes be extended to the first day of March next, and that the said Treasurer make return as provided by law in other cases, on or before the tenth day of March next.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 15, 1848.

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No. 5.

AN ACT to provide for defraying the expenses of enlisting, transporting and subsisting the volunteer regiment called from this State, to serve in the existing war with the Mexican Republic.

\$5,000 appropriated at disposal of Governor for expenses of volunteer regiment.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That out of the moneys in the Treasury, to the credit of the general fund, a sum not exceeding five thousand dollars be, and the same is hereby appropriated, and placed at the disposal of the Governor of this State, to be by him applied in defraying the expenses that have been, and may hereafter be incurred in enlisting, subsisting and transporting into service, the volunteer regiment called from this State, to serve in the existing war with the Republic of Mexico.

Sec. 2. Upon the presentation at the State Treasury of any draft, order or certificate, signed by the Governor, and drawn against the sum appropriated in the first section of this act, and for the purposes therein specified, it shall be the duty of the State Treasurer to pay the same out of any moneys in the Treasury, to the credit of the general fund.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 15, 1848.

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No. 6.

AN ACT to amend title 21, chapter 94, section 18, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That title 21, chapter 94, section 18, of the Revised Statutes be amended, by adding after the word "therein," in the sixth line of said section, the following: "Whereupon the said Justice of the Peace shall discharge said person from custody."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 21, 1848.

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No. 7.

AN ACT to amend an act entitled "an act to appoint Commissioners to lay out a certain State road," approved March 17, 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to appoint Commissioners to lay out a certain State road, approved March 17, 1847, be, and the same is hereby amended, by striking out the second section thereof, and adding in lieu thereof the following sections, to stand as a part of said act, viz :

Sec. 2. It shall be the duty of the Commissioners appointed by the first section of the act hereby amended, to cause the survey and field notes of said State Board, together with a map thereof, to be filed in the office of the Secretary of State ; also, so much of said survey and field notes of said State Road, as is embraced within the limits of each

of the several townships through which said road has been by them laid, to be filed for record in the office of the clerk of said townships respectively.

Commissioners to expend subscriptions.

Sec. 3. That for the purpose of opening said road for public travel, the said Commissioners are hereby authorized forthwith to lay out and expend the money and labor subscribed by individuals, for that object, in cutting, clearing, grubbing, grading, ditching and bridging, upon the portions of said road running through lands, the owners of which shall relinquish all claim for damages against the proper townships for the laying out and opening said road through their premises respectively.

Appraisal of damages.

Sec. 4. If any person interested in lands through which said road has been laid, shall, for any cause, refuse to relinquish his claim for damages on account of the laying out and opening of said road, for the space of ten days after personal service of a copy of this act and the act to which this act is amendatory, the said Commissioners or any one of them may apply to a Justice of the Peace of the township in which said premises are situated, or an adjoining township, for the appointment of three appraisers to appraise said damage, and thereupon the same proceedings shall be had in all respects, as is provided by law, in case of the laying out of a road by the Highway Commissioners of a township.

When road to be a public highway.

Sec. 5. Upon the filing of the survey and field notes, as provided in this act, and upon the payment of the damages awarded in any such appraisal and the proper expenses thereof, the said State road shall become a public highway, to be further worked and improved, according to the provisions of the existing law relative to public highways.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved January 22, 1848.

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## No. 8.

AN ACT to extend the time for the collection and return of certain taxes for the year 1847, in the townships of Monroe and Frenchtown.

Time for collection extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of

taxes in the townships of Monroe and Frenchtown, and county of Monroe, for the year 1847, upon the property of residents, is hereby extended until the first Monday in March next.

Sec. 2. The township Treasurers of said townships of Monroe and Frenchtown, are hereby authorized and empowered to proceed and collect said taxes as fully as they could have done during the life time of their warrant, and make their returns at any time, on or before the first Monday of March next; and the said warrants are hereby continued in full force and virtue for the purpose aforesaid, until the said first Monday in March next.

*Duty of  
Town treasurers.*

Sec. 3. It shall be the duty of the Treasurers of the said townships of Monroe and Frenchtown, before they shall be entitled to the benefits of this act, to pay over all moneys by them collected during the life time of their warrants, in the manner now provided by law, and to renew their official bonds to the satisfaction of the Treasurer of Monroe county.

*Ibid.*

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year 1847, duly returned to the Auditor General for non-payment.

*Unpaid taxes.*

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1848.

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### No. 9.

AN ACT relative to pending proceedings for the partition of real estate.

*Whereas*, Proceedings for the partition of real estate, under the Revised Statutes of 1838, were in many instances pending and undetermined in several of the Courts of this State, at the time the Revised Statutes of 1846 came into operation; and that it is expedient that all such should be proceeded in, determined and consummated, under the provisions of the Statutes respectively under which they were commenced; therefore

*Preamble.*

*Be it enacted by the Senate and House of Representatives of the*

Partitions,  
how pro-  
ceeded in.

*State of Michigan*, That all proceedings had for the partition of real estate, in this State, and which were pending and undetermined as aforesaid, at the time the revision of 1846 came into operation, may and shall be proceeded in, determined and consummated by the Courts respectively in which the same may be so pending, in accordance with, and under the provisions of the Statutes under which the same may have been commenced; and every partition so made shall be as valid and effectual as if the law under which the same had been commenced still continued to be in force, any law to the contrary thereof notwithstanding, provided proceedings shall not have been commenced or prosecuted under the Revised Statutes of 1846.

Approved January 25, 1848.

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No. 10.

AN ACT to amend an act entitled "an act relative to ward elections in the city of Detroit, and for other purposes," approved March 27, 1839.

Act amend-  
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of said act be, and the same is hereby amended, by striking out within the fourth line the word "twelve," and inserting the word "fourteen," and by striking out in the fifth line the word "six," and inserting the word "seven," and by adding at the close of said section the words: "that the electors of the seventh ward in said city shall, on the first Monday of March, 1848, elect two Aldermen, and on the ballots containing the names of the candidates for said Aldermen, the one intended to be voted for to serve one year, shall be so designated on said ballot, and the one intended to be voted for to serve two years, shall be so designated on said ballot.

Ibid.

Sec. 2. Amend section two of said act by inserting after the word "election," in line four the words "in the seventh ward on the first Monday of March, 1848.

Ibid.

Sec. 3. Amend section three of said act by striking out the word "six," in the second line, and inserting the word "seven."

Ibid.

Sec. 4. Amend section "fourteen," by striking out the fifth subdivision of said section, and inserting the following words: "the fourth ward all south of the Gratiot road, between the centre of St. Antoine

and Rivard streets ; the seventh ward all south of the Gratiot road, east of the centre of Rivard street.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 25, 1848.

No. 11.

AN ACT to change the name of the township of Wayne, in the county of Wayne.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the township of <sup>Wayne to</sup> ~~Wayne~~ <sup>Romulus.</sup> in the county of Wayne, be, and the same is hereby changed to that of Romulus, and by that name it shall hereafter be known and designated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

No. 12.

AN ACT to amend section forty-four, (44,) of chapter twelve, (12,) of the Revised Statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-four of chapter <sup>Revised</sup> ~~twelve~~ <sup>Statutes</sup> of the Revised Statutes of 1846, be amended by striking out the word "attorney," in the first line, and inserting the word "auditor," and by striking out the word "auditor," in the ninth line of said section, and inserting the word "attorney."

Sec. 2. It shall be the duty of the Attorney General to appear in <sup>Duty of At-</sup> ~~behalf~~ <sup>torney Gen-</sup> of the State, before the Board of State Auditors, when they shall sit to audit claims against the State, and to that end, said Board shall give said Attorney General timely notice of the time and place of their meeting to audit such claims.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

## No. 13.

AN ACT to amend "an act" entitled "an act" to regulate proceedings in cases pending in Chancery and the Circuit Courts, and to amend an act for revising and consolidating the general Statutes of Michigan, approved May 18, 1846, approved February 27, 1847.

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act to regulate proceedings in cases pending in Chancery and the Circuit Courts, and for other purposes, approved February 27, 1847, be, and the same is hereby amended by striking out in the fourth line of section three, after the word "to," the word "each," and by striking out in the fifth line of said section after the word "in," the word "some," and inserting therein the word "any," and in the sixth line of said section, after the word "act," insert the following: "And in case of sickness, absence from the State, or for any other cause, the Justice assigned to hold any one or more of said circuits, shall be unable to hold the same, the said Justice may assign another Justice of the Supreme Court to hold said circuit or circuits; so that the said section three, as amended, shall read as follows: "Sec. 3. For the purpose of disposing of all causes and matters pending and undetermined in the Court of Chancery on the first day of March next, it shall be the duty of the Justices of the Supreme Court to assign to one of said Justices the duty of holding a Court of Chancery in any one or more of the Chancery circuits, as established by law, at the time of the passage of this act; and in case of sickness, absence from the State, or any other cause, the Justice assigned to hold any one or more of said circuits, shall be unable to hold the same, the said Justice shall appoint one of the other Justices of the Supreme Court to hold said circuit or circuits; and each of said Justices are for the purpose aforesaid, hereby vested with all powers possessed by the Chancellor of this State; and the rules of the Court of Chancery now in force, shall, so far as the same are applicable, continue in force until said causes are finally disposed of, or unless the same be altered by the said Justices, or one of them, while sitting in the Chancery circuit assigned to him.

Section as amended.

On failure of Justices to assign a Judge, either may hold the term.

Sec. 2. If the Justices of the Supreme Court shall not assign to any one of their number the duty of holding Courts of Chancery, as contemplated by this act, either of said Justices may hold a Court in any of the Chancery circuits at the appointed terms of said Chancery Court, or at any adjourned terms thereof.



Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 26, 1848.

#### No. 14.

AN ACT to increase the number of Masters in Chancery in the several counties in the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section forty-eight of chapter ninety-five, title twenty-one, of the Revised Statutes of 1846, be so amended as to read as follows: "There shall be appointed by the Governor, by and with the advice and consent of the Senate, three Masters in Chancery in each county in this State, and an additional Master to every ten thousand inhabitants therein, according to the census which shall have been last taken; but there shall not be more than four Masters in Chancery appointed for any county, except the counties of Wayne and Oakland, in each of which, five may be appointed."

*Revised  
Statutes  
amended.*

*Wayne and  
Oakland.*

Sec. 2. This act shall take effect from and after its passage.

Approved January 26, 1848.

#### No. 15.

AN ACT authorizing and empowering the Secretary of State to dispose, by sale or exchange, of certain Statute Books.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State is hereby authorized and empowered to dispose of the following volumes of the Statute Books of this State, by sale or exchange, for other and miscellaneous books, that is to say: Seven hundred and fifty copies of the Revised Statutes of the State of Michigan, passed at the adjourned session of 1837, and the regular session of 1838. Also, seven hundred and fifty copies of the Revised Statutes of the State of Michigan, passed and approved May 18, 1846: *Provided*, the price of the first named Statutes shall not be less than one dollar and fifty cents per copy, and of the last named, two dollars and fifty cents per copy.

*Duty of Sec-  
retary of  
State to sell  
& exchange  
books, &c..*

And, also, so much of the paper purchased for printing the Revised Statutes of 1846, and now remaining in the city of Detroit, as he may deem advisable, at a price of not less than three dollars and eighty-seven cents per ream.

Secretary to  
pay over  
moneys.

Sec. 2. All moneys received by the Secretary of State for volumes sold as above provided, shall be paid by him into the Treasury of the State, and all books received in exchange, as therein provided, shall be deposited in the State Library.

Approved January 26, 1848.

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No. 16.

AN ACT to extend the time for the collection of taxes in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun.

Time extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the several townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, for the year 1847, is hereby extended until the first Monday of April next.

Duty of  
treasurers.

Sec. 2. The Treasurers of the said several townships are hereby authorized and empowered to proceed and collect said taxes as fully as they could do during the life time of their warrants, and make their returns at any time on or before the first Monday of April next; and their said warrants are hereby continued in force for the purposes aforesaid, until the said first Monday of April next.

Ibid.

Sec. 3. It shall be the duty of the several Treasurers aforesaid, before they shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of their warrants, as is now provided by law, and to renew their official bonds to the satisfaction of the Treasurer of the county of Calhoun.

Unpaid taxes to be returned.

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest, computed from the same time as other taxes, for the year 1847, duly returned to the Auditor General for non-payment.

Sec. 5. The time for the collection and return by the several Town-

ship Treasurers aforesaid of so much of the taxes in their respective townships, as are contained in the column of school taxes in "Union School District, number one, of Battle Creek, Emmett and Bedford," formed from portions of each of said townships, and remaining uncollected on the said first Monday of April next, be, and the same is hereby extended until the first day of September next.

Time for collection of Union sch'l taxes extended.

Sec. 6. If any of the taxes specified in the last preceding section ~~of~~ of this act, remain unpaid at the time of the election and qualification of a Township Treasurer for the next year, in all or either of said townships, the said Treasurers shall immediately give security to the County Treasurer, in the usual form, and for the balance so remaining uncollected, and thereupon the said County Treasurer shall deliver him the tax roll aforesaid, with the warrant attached, and the warrant shall have thereafter the full force and effect of an original warrant, so far as said uncollected school taxes are concerned, and shall continue in force until the first day of September next.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved January 28, 1848.

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No. 17.

AN ACT to extend the time for the collection of taxes in the city of Detroit, for the year 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of the State and County taxes in the city of Detroit, for the year 1847, is hereby extended until the first Monday of March next.

Time extended.

Sec. 2. The collectors of the several wards of said city, are hereby authorized to proceed and collect said taxes as fully as they might do during the life time of their warrants, for that purpose, and to make their returns on or before the first Monday in March next, and said warrants are continued in full force for said purpose until said time.

Duty of collectors.

Sec. 3. Upon the taxes due from all persons availing themselves of the extension of time herein authorized, the collectors are required to add one per cent, and shall collect, account for, and pay over the same with the original taxes.

One pr cent added on taxes extended.

Sec. 4. It shall be the duty of the several collectors aforesaid, before they shall be entitled to the benefits of this act, to pay over all

Duty of collectors.

moneys collected during the life time of their warrants, as provided now by law, and to renew their official bonds, to the satisfaction of the Treasurer of the county of Wayne.

Unpaid taxes.

Sec. 5. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable ; and such unpaid taxes shall be collected in the same manner, and with interest, computed from the same time as other taxes, for the year 1847, duly returned to the Auditor General for non-payment.

Sec. 6. This act shall take effect from and after its passage.

Approved January 29, 1848.

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### No. 18.

AN ACT to provide for the payment of the Private Secretary of the Governor, and for other purposes.

Revised Statutes amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section three, title three, of chapter twelve, of the Revised Statutes of 1846, be, and is hereby amended so as to read as follows : Sec- 3. The Governor may, at the commencement of each session of the Legislature, appoint a Private Secretary, who shall hold his office during the session, unless sooner removed by the Governor, and shall receive for such services the sum of three dollars per day for the time employed, unless the Legislature shall otherwise direct ; such sum to be paid on the joint order of the President of the Senate and Speaker of the House of Representatives, by the State Treasurer.

Private Secretary of the Governor.

Approved January 29, 1848.

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### No. 19.

AN ACT to extend the time for the collection of certain taxes for the year eighteen hundred and forty-seven, in the township of Hamtramck, county of Wayne.

Extension of time.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Hamtramck, for the year eighteen hundred and

forty-seven, upon the property of residents, is hereby extended until the first day of March next.

Sec. 2. The collector of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the lifetime of his warrant, and make his return at any time on or before the first day of March next, and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first day of March next.

Duty of collector.

Sec. 3. It shall be the duty of the collector of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the Treasurer of the county of Wayne.

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes, for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment.

Unpaid taxes to be returned.

Sec. 5. This act shall take effect from and after its passage.

Approved January 29, 1848.

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### No. 20.

AN ACT to provide for the payment of Andrew Harvie while claiming a seat in the House of Representatives.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer be, and is hereby authorized to pay, upon the certificate of the Speaker of the House of Representatives, such sum as may be due Andrew Harvie, for travel to and from the Capitol, at the rate of three dollars for every twenty miles, and three dollars for every day's attendance while claiming a seat as a member of the House of Representatives during the present session.

Compensation to Andrew Harvie.

Sec. 2. That there be appropriated out of any money in the State

**Amount appropriated.** Treasury, not otherwise appropriated, a sum sufficient for the purpose aforesaid.

**Sec. 3.** This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 21.

AN ACT to amend an act entitled "an act appropriating certain highway taxes for the improvement of a road in the counties of Van Buren and Berrien," approved March 17, 1847.

**Act amended.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act appropriating certain highway taxes for the improvement of a road in the counties of Van Buren and Berrien," approved March 17, 1847, be amended by inserting after the word "provided," in the last line of section one, of said act, the following, viz: "That where the lines running parallel to said road, at the distance of one mile and a half from it on either side thereof, shall intersect any legal subdivision of land, as usually sold at the United States Land office, the non-resident highway taxes of all such subdivisions, and such only, shall be appropriated for the purpose mentioned in said act, as have their greatest proportion lying between such parallel lines and the road aforesaid.

**Sec. 2.** This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

No. 22.

AN ACT to amend an act entitled "an act to authorize the Supervisors of the County of Kent to construct a canal and locks around the rapids of Grand River and Grand Rapids."

**Act amended.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the rapids of Grand River at Grand Rapids, approved

February 20, 1847, be so amended as to authorize and require the commissioner of the State land office to sell to the order of the Board of Supervisors of the county of Kent or their authorized agent, at the price of one dollar and twenty-five cents per acre, the whole or any portion thereof, in any legal subdivisions, the lands appropriated in section number two of said act : *Provided*, That for the term of one year from the passage of this act all the lands selected under the provisions of the act hereby amended lying within the limits of township five, north of range fourteen west, and township five, north of range thirteen west, shall be reserved by the Commissioner of the Land office, and certificates of sale for any tract or parcel thereof shall during the said year only be issued upon the presentation of a written order therefor, signed by the Rev. A. C. Van Ralte, the recognized director of the affairs of the Holland Colony.

Land appropriated, how sold.

Sec. 2. The said commissioner shall receive in payment for all such sales as may be made under the provisions of this act, internal improvement warrants of this State, or specie, and hold the said funds, whether warrants or specie, until such time as the judges of the counties of Kent and Ionia, or a majority of them, shall, as contemplated by section six of said act, certify and file in the State land office, that said work has been finished and completed, when the said specie or warrants, or both, as the case may be, shall be paid over by said commissioner, to the order of the said Board of Supervisors or their successors in office, to such person or persons as shall be designated by them, in lieu of the lands so sold : *Provided*, That whenever the contractor for said work shall have completed one half of the work contemplated by said act, and the Board of Supervisors of Kent county shall so certify to the commissioner of the State land office, the said commissioner shall be, and he is hereby authorized and required to pay over to said contractor an amount of the proceeds of the sales of said lands not exceeding in amount one quarter of the whole of said appropriation : *Provided*, The said contractor shall file with said commissioner satisfactory security for the refunding of the same in case he, (the said contractor,) shall fail to complete the said canal, locks and dam within the time and in the manner specified by said act.

Funds receivable in payment and duties of commissioner.

Proviso.

Proviso.

Sec. 3. That section four of said act be amended by striking out the words "thirty-five," in the third line of said section, and inserting

Act amended.

the word "ten ;" also, by striking out the word "thirty," in the fourth line of said section, and inserting the words "twenty-two ;" also, by striking out the words "twenty-nine," in the fifth line of said section, and inserting the words "twenty-one ;" also, by striking out the words "one-hundred and thirty," in the fifth and sixth lines of said section, and insert the words "one hundred and five," so that the said section shall read as follows : "That the said canal shall not be of less capacity than forty-five feet on the water line, four feet deep at all seasons, and the lock or locks not less than one hundred and ten feet in length, and twenty-two feet in width in the clear ; and the same shall be so constructed as to receive boats twenty-one feet wide and one hundred and five feet long, and of thirty inches draft, in slack water below the foot of the rapids, and pass them to slack water above the rapids, at all stages of the water : *Provided*, That the Board of Supervisors or a majority of them, and the contractor and his sureties for the completion of said work shall first, and on or before the first day of June next, file their assent to the provisions of this act in the State land office.

*Provided.*

*Rates of toll  
and account  
thereof.*

Sec. 4. The rates of tolls which shall from time to time be collected as contemplated in sections seven and nine of said act, shall be paid into the Treasury of Kent county, and be denominated the canal fund ; and it shall be the duty of the County Treasurer for Kent county, after said work shall have been finished and completed, to keep a separate account of all moneys received for rates or tolls on account of said canal ; also, of all expenditures made for the purpose of keeping said canal, locks and dam in repair.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

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No. 23.

AN ACT to amend an act entitled an act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 12, 1845.

Section 1. *Be it enacted by the Senate and House of Representa-*



*tives of the State of Michigan*, That section two of an act entitled an Act amended. act to amend an act entitled an act to establish and improve the Pontiac and Grand River road, approved March 12, A. D. 1846, be amended by inserting after the words, of the county of Oakland, in the fourth line of said section, "and Marcellus Hillman, of the county of Livingston."

Sec. 2. And that section six be amended by striking out the words, Ibid. "Board of Supervisors," in the seventeenth line of said section, so far as relates to the counties of Oakland, Genesee, Livingston and Shiawassee, and inserting therein the words "Judge of Probate."

Sec. 3. The several commissioners of said Board in the counties of Oakland, Genesee, Livingston and Shiawassee, in and for their respective counties, are each hereby invested with all the powers for opening said road in their respective counties, with which Commissioners of Highways are invested for opening highways in their several townships. Commissioner empowered.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

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No. 24.

AN ACT to provide for the payment of interest on the liquidated portion of the five million loan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer is hereby authorized, from time to time, and as often as they semi-annually become due, to pay up and cancel the coupons upon the full paid five million loan bonds, and the interest on the bonds heretofore issued for unpaid interest on said loan bonds up to July 1, 1845, outstanding and falling due in January and July, annually, out of any moneys in the Treasury, to the credit of the general fund, and not otherwise appropriated, whenever, in his opinion, such payments can be made without impairing the ability of said fund, to promptly meet its just indebtedness and accruing liabilities. State Treasurer to cancel certain coupons on full paid bonds.

Sec. 2. To reimburse the said general fund for all payments made therefrom by the State Treasurer, in accordance with the provisions contained in the first section of this act, the said Treasurer is hereby State Treasurer to make transfer.

authorized and required to transfer and place to the credit of said fund a sum equal to the aggregate of all such payments, out of the first moneys coming into the Treasury as the proceeds of the extra State tax authorized to be raised for the payment of the coupons upon said full paid bonds by the "act to liquidate the public debt and to provide for the payment of interest thereon, and for other purposes," approved March 8, 1843 : *Provided*, That in estimating any deficiency under the provisions of the act in this section referred to, for the purpose of levying an extra State tax to meet such deficiency, the Auditor General is hereby directed to estimate such deficiency without deducting therefrom any payment that may have been made under the provisions of this act from the general fund.

Deficiency,  
how estimated  
by Auditor Gen.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved January 29, 1848.

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No. 25.

AN ACT to extend the time for the collection and return of taxes in the township of Greenfield, in the county of Wayne.

Time extended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes for the year one thousand eight hundred and forty-seven, in the township of Greenfield, in the county of Wayne, is hereby extended to the first day of March next.

Duty of township  
Treasurer  
to renew  
bond, &c.

Sec. 2. The Treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return any time before the first day of March next ; and his said warrant is hereby continued in force until the said first day of March: *Provided*, he shall first renew his official bond to the satisfaction of the Treasurer of said county of Wayne.

Transcript  
of unpaid  
taxes to be  
returned.

Sec. 3. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable ; and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 31, 1848.

No. 26.

AN ACT to extend the time for the collection and return of taxes in the township of Brighton, in the county of Livingston.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Brighton, in the county of Livingston, for the year eighteen hundred and forty-seven, is hereby extended to the first Monday of March next. Time extended.

Sec. 2. The Treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could have done during the life time of his warrant, and make his return at any time before the first Monday of March next: *Provided* he shall first renew his official bond to the satisfaction of the Treasurer of said county. Duty of township Treasurer.

Sec. 3. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed from the same time as other taxes for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment. Unpaid taxes to be returned, &c.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved January 31, 1848.

No. 27.

AN ACT to amend an act entitled an act to provide for the draining of swamps, marshes and other low lands, approved March 17, 1847.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section eleven of an act entitled an act to provide for the draining of swamps, marshes and other low lands, approved March 17, 1847, be amended by adding thereto the Act amended.

following proviso, to stand as a part of said section : *Provided*, That any order drawn or to be drawn by the said commissioners upon the Treasurer of the county of Lenawee, pursuant to the provisions of this section, shall be receivable by the Treasurers of the proper townships respectively, in payment of any tax assessed and levied upon any lands for the purposes mentioned in the act hereby amended.

Approved January 31, 1848.

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No. 28.

AN ACT authorizing the Commissioner of the State Land Office to sell to the Township Board of the township of Caledonia, a certain piece of land.

Commissioner  
of land office  
to sell cer-  
tain piece of  
land.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized to sell, at the minimum price, three acres of land out of the south-east corner of the south-east one-fourth of section sixteen, in the township of Caledonia, in the county of Kent, to the Township Board, of said township : *Provided*, the said Commissioner is of the opinion that such sale will not prejudice the sale of the remaining portion of said land.

Approved January 31, 1848.

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No. 29.

AN ACT to amend an act entitled an act to amend section forty-four of chapter twelve of the Revised Statutes.

State Audi-  
tors to fix  
time for  
hearing  
claims, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors upon the presentation of any claim or matter which has been or which hereafter may be referred by the Legislature to them for adjustment, shall fix a time for the hearing thereof, reasonable notice of which shall be given by them to the Attorney General ; and they may in their discretion adjourn the hearing of any such matter from time to time.

May issue  
subpoena.

Sec. 2. Any member of said board may issue subpoena for witnesses, whose attendance the board may compel by attachment, and who may be sworn by any member of the board.

Sec. 3. This act shall take effect from and after its passage.

Approved February 2, 1848.

No. 30.

AN ACT designating the places for holding the Senatorial Canvass in Senatorial Districts numbers four and five.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of section three, chapter eight, title two, of the Revised Statutes as requires the Senatorial canvass to be held in the county having the greatest number of inhabitants, shall not apply to Senatorial Districts numbers four and five. Revised Statutes amended.

Sec. 2. The Senatorial canvass in and for the fourth Senatorial District, shall from and after the passage of this act, be held at Cassopolis, at the office of the clerk of the county of Cass. Fourth Senatorial District.

Sec. 3. The Senatorial canvass in and for the fifth Senatorial District shall, from and after the passage of this act, be held at Kalamazoo, at the office of the clerk of the county of Kalamazoo. Fifth Senatorial District.

Approved February 3, 1848.

No. 31.

AN ACT to authorize William H. Brown to build a dam across the Thornapple, in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William H. Brown, his heirs and assigns, be, and they are hereby authorized and empowered to build a dam across the Thornapple river, in the county of Kent, on section ten, in township five, north of range ten west. Empowered to build dam

Sec. 2. Said dam shall not exceed six feet in height, and the occupant shall construct therein or thereat a convenient lock for the safe passage of boats, rafts and other water crafts, (whenever the County or Circuit Court of Kent county aforesaid, shall order the same to be done, upon good cause shown.) Height and particulars of dam.

Sec. 3. If at any time hereafter the water should be required to be drawn from said river, for the purposes of internal improvement or navigation, it shall not be lawful for the said William H. Brown, his heirs or assigns, to recover any damages therefor. When damages not to be claimed.

Sec. 4. Nothing in this act shall be so construed as to authorize the person above named, his heirs or assigns, to enter upon, or flow the lands of any person or persons. Not to flow lands of others.

Sec. 5. The Legislature may at any time alter, amend or repeal this act.

Approved February 3, 1848.

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No. 32.

AN ACT appropriating certain internal improvement lands for the benefit of the Holland Colony, and other immigrants, now settling in the counties of Ottawa and Allegan.

Lands appropriated for wharf or pier.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of internal improvement lands be, and they are hereby appropriated for the purpose of constructing a suitable and substantial wharf or pier upon the eastern shore of Lake Michigan, at the mouth of the north Black River, in the county of Ottawa, to induce and facilitate the landing from steamboats and other vessels, of all emigrants.

Ibid. for roads.

Sec. 2. In addition to the above, three thousand acres are hereby appropriated from the internal improvement lands, for the purpose of laying out, opening and improving certain roads in the counties of Allegan, Kent and Ottawa; said roads to be severally laid out upon the most eligible routes from the villages of Allegan, in the county of Allegan; Granville, in the county of Kent, and Grand Haven, in the county of Ottawa, respectively, and to be terminated at such point or points, within the limits of the present settlement of the Holland Colony, as shall be deemed most conducive to the best interests of said Colony: *Provided*, That one-third of the said lands, or the avails thereof, shall be laid out and expended upon each of said roads respectively.

Appointment of special commissioner and selection of lands.

Sec. 3. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner: *Provided*, That the said special commissioner, previous to entering upon any of the duties of this act, shall take and subscribe to the constitutional oath, and file good and sufficient bonds for the faithful fulfillment of the duties of said office, to be approved by the Auditor General.

Sec. 4. The said special commissioner shall, in virtue of his ap- Powers and  
pointment, have the control and management of the several improve-  
ments in this act specified, and shall have power to let out by contract  
the erection of said wharf or pier, and the opening and working said  
roads, to the lowest bidder, who shall execute and deliver to said com-  
missioner a good and sufficient bond, with sureties to be approved by  
him, and conditioned for the due and faithful performance of the work  
stipulated in the contract : *Provided*, That before such letting, the said  
commissioner shall advertise for proposals for constructing said wharf  
or pier, and roads, or either of them ; such advertisement to be pub-  
lished for three successive weeks, in a newspaper published in the  
counties of Kent and Allegan respectively. and  
duties of  
special com-  
missioner.

Sec. 5. Whenever any contractor, under the preceding section of Contractors,  
this act, shall have finished his job, according to the terms and specifi-  
cations of his contract, and the same shall have been accepted by said  
special commissioner, or any service shall have been rendered by any  
person, under the provisions of this act, it shall be the duty of such  
special commissioner to pay such contractor, or for such other servi-  
ces, by his order drawn on the commissioner of the State land office,  
which orders shall be received at the land office, in payment for any  
land selected and reserved from sale by the third section of this act :  
*Provided*, That nothing herein contained shall authorize the commis-  
sioner of the State land office to sell any of said land at a less price  
than that now established by law, for the sale of internal improve-  
ment lands. how paid.

Sec. 6. For the purpose of laying out, opening and improving said Power of  
several roads, the said commissioner shall possess the power now con-  
ferred by law upon the highway commissioners of the several town-  
ships through which said roads, or either of them, shall be laid, and for  
settling and adjusting all claims for damages, by persons interested in  
the lands through which said roads, or either of them, shall be laid, he  
may apply to a justice of the peace of the proper township, or an ad-  
joining one, for the appointment of three appraisers, and the same  
proceedings shall be thereupon had in all respects, as are now provi-  
ded by law for the settlement of like cases by highway commissioners. commis'r  
in laying  
out high-  
ways, &c.

Sec. 7. The said commissioners shall cause an accurate profile, Profile and  
map and field notes of the survey of said several roads, or so much  
thereof as may be within the limits of each township, and not run upon  
the line of an established road, to be filed in the office of the proper maps to be  
filed.

township clerk, who shall record the same in the manner now provided by law for public highways.

Compensation of special commissioner.

Sec. 8. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interests of the State as the Holland Colony, and shall receive for his services a sum not exceeding three dollars per day for the time necessarily employed by him in discharging the duties devolved upon him by the provisions of this act, payable pro rata from the aforesaid appropriations, when verified by his oath.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved February 3, 1848.

### No. 33.

AN ACT to authorize Joel Rathbone to sell certain lands.

Guardian authorized to sell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joel Rathbone, of the city of Albany, in the State of New York, guardian of Henry Reed Rathbone and Jared L. Rathbone, infant heirs of Jared L. Rathbone, deceased, be, and he is hereby authorized and empowered to convey by deed, on the behalf of said infant heirs, all the right, title and interest which said heirs had to any land in this State, the legal title to which was on the thirteenth day of May, A. D. eighteen hundred and forty-five vested in said Jared L. Rathbone, now deceased, and Lynn Chapin, as tenants in common.

Guardian to account, &c.

Sec. 2. The said guardian shall account to the said infant heirs for their shares of the proceeds of any land conveyed under the provisions of this act, in the same manner and to the same extent as he is liable to account for other property of said infants, which may have come into his hands.

Sec. 3. This act shall take effect from and after its passage.

Approved February 5, 1848.



No. 34.

AN ACT to extend the time for the collection of taxes in the township of Pontiac, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the time for the collection of taxes in the township of Pontiac, in the county of Oakland, for the year eighteen hundred and forty-seven, is hereby extended until the first Monday of April next. Time extended.

Sec. 2. The Treasurer of the said township of Pontiac is hereby authorized and empowered to proceed and collect said taxes as fully as he could do during the life time of his warrant, and make his return at any time on or before the first Monday of April next, and his said warrant is hereby continued in force for the purposes aforesaid until the first Monday of April next. Duty of township Treasurer.

Sec. 3. It shall be the duty of the Treasurer aforesaid before he shall be entitled to the benefits of this act, to pay over all moneys collected in the life time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the Treasurer of the county of Oakland.

Sec. 4. A transcript of all unpaid taxes returned to the County Treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and with the same effect, and such unpaid taxes so returned shall be collected in the same manner, and with interest computed from the same time as the annual taxes, for the year eighteen hundred and forty-seven, duly returned to the Auditor General for non-payment. Unpaid taxes.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 7, 1848.

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No. 35.

AN ACT to amend and add to the act approved January 25, A. D. 1848, entitled an act to amend an act entitled an act relative to ward elections, in the city of Detroit, and for other purposes, approved March 27, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proceedings of the Common Certain proceedings legalized.

Council of the city of Detroit, had by the Mayor, Recorder and six Aldermen, on the 25th of January, A. D. 1848, are hereby declared to be, and shall be held as valid and legal as if the act to which this is amendatory and additional had not become a law.

Quorum defined.

Sec. 2. Until the Mayor and Aldermen to be elected at the next charter election are elected and qualified, the Mayor, or Recorder, and five Aldermen shall constitute a sufficient and legal quorum of the Common Council of said city.

Charter amended.

Sec. 3. That the word "six," in the second line of section four of the act entitled "an act to amend the Charter of the City of Detroit," approved February 23, 1848, be stricken out, and the word "seven" be, and hereby is inserted instead thereof, so that said section as amended shall read as follows :

"Sec. 4. There shall be chosen by the electors of the city of Detroit, at each charter election hereafter to be held, seven collectors, one from each ward, who shall hold their office for one year, whose duty it shall be to collect the city and school taxes, and the State and county taxes, in their respective wards. They shall be required to give bonds in such manner, and be entitled to such compensation as is or may be prescribed by law for township officers doing the like duties : *Provided*, That for collecting city and school taxes, such collectors shall be entitled to take and receive only such compensation as may be provided and allowed therefor, by the Mayor, Recorder and Aldermen of the city of Detroit."

Constable to be elected in 7th ward.

Sec. 4. There shall be elected in the seventh ward of the city of Detroit, at the next charter election, and annually thereafter, a constable, who shall have the same authority and privileges, and perform the same duties as the other constables of said city.

First election, how to be held, &c.

Sec. 5. The first election in said seventh ward shall be held at the house of John Reno, in said seventh ward, on the first Monday of March next, and the electors of said ward shall, at nine o'clock on the morning of the election day, at the house of said John Reno, in said seventh ward, elect two of their number to act as inspectors of election, who, with the assessor of said ward, shall be the inspectors of said election, and shall be duly sworn to a faithful discharge of their duties, and said inspectors may appoint a proper person of said ward to act as constable at and about the polls in said ward for that day.

Common Council to appoint assessor of 7th ward.

Sec. 6. The Common Council of said city may appoint a discreet person from the electors of said seventh ward as assessor of said ward, who shall take the same oath as is required of township assessors, and

shall perform all the duties of assessor of and in said ward, which are required of a ward assessor, or of the two assessors in a district in said city, as provided by statute. And he shall meet with the other assessors to review the rolls. The assessor so appointed shall hold his office until the second Monday in April next.

Sec. 7. At the first charter election in said seventh ward, and annually thereafter, there shall be elected by the electors, one assessor for said ward, who shall perform all the duties of assessor therein and thereof. The assessor elected at the first election, shall commence the duties of his office on the second Monday of April next, and remain in office until his successor is elected and qualified.

Assessor of 7th ward to be elected annually.

Sec. 8. This act shall take effect from and after its passage.

Approved February 8, 1848.

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No. 36.

AN ACT authorizing John A. Brooks to build a dam across the Muskegon river, in the county of Newaygo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John A. Brooks, his heirs and assigns, are hereby authorized and empowered to build a dam across the Muskegon river, on section nineteen, in town twelve, north of range twelve west.

Dam authorized.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth, below said dam, and to pass them to slack water of sufficient depth, above said dam, for all the purposes of the navigation of said river at all times; and, also, a good and sufficient shute for the passage up and down said river of fish, at all times during the season of high waters.

Description of dam, lock, &c.

Sec. 3. It shall be the duty of the owners of said dam, at all times, to keep said lock in repair, and to pass any water craft through the said lock, free of toll, and without unnecessary delay; and any person who shall be so detained, shall be entitled to recover of the said owners the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with the costs of suit.

Duties of owners, &c.

Injuries to  
dam punish-  
able.

Sec. 4. Any person who shall wilfully or maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court.

Rights of in-  
dividuals re-  
served, &c.

Sec. 5. Nothing herein contained shall authorize the individual named in the first section of this act, his heirs or assigns, to enter upon or flow, or otherwise injure the land of any person or persons, without the consent of such person or persons, and the Legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 11, 1848.

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No. 37.

AN ACT to provide for recording the evidences of the approval by the general government of the selections of lands made by this State under act of Congress, and for other purposes.

Duties of  
Secretary of  
State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the certificates of the Secretary of the Treasury of the United States of his approval or the certificates and letters of the commissioner of the general land office of the United States, of the approval by the Secretary of the Treasury of the selection of any lands heretofore granted, or which hereafter may be granted by the Congress of the United States to this State, and which certificates and letters have been or hereafter may be received by the Secretary of the State, shall, together with their accompanying lists or descriptions of land, be recorded by him in a book kept for that purpose.

Record  
made to be  
evidence.

Sec. 2. Such record or a transcript thereof, certified by the Secretary of State, under his seal of office, shall be received in any court of this State, as evidence of title in the State, to any of the lands therein mentioned.

Sec. 3. This act shall take effect, and be in force from and after its passage.

Approved February 11, 1848.

No. 38.

AN ACT requiring compensation for causing death by wrongful act, neglect or default.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, (if death had not ensued,) have entitled the party injured to maintain an action, and recover damages, in respect thereof, then and in every such case, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Cause of action defined.

Sec. 2. Every such action shall be brought by, and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal property, left by persons dying intestate; and in every such action, the jury may give such damages as they shall deem fair and just, with reference to the pecuniary injury resulting from such death, to the wife and next of kin of such deceased person. By whom suit is to be brought, for whose benefit, and measure of damages.

Approved February 12, 1848.

No. 39.

AN ACT authorizing the Board of Supervisors of Wayne county to levy a special tax for defraying the expenses of erecting a jail in and for said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Board of Auditors of the county of Wayne, in making their report to the Board of Supervisors in said county for the year eighteen hundred and forty-eight, shall include in the amount of tax necessary to be raised therein for county purposes, the amount actually expended and necessary to be expended in the completion of, and for defraying the expenses incurred by the recent erection of a jail in and for said county. Board of auditors to report amount expended, and to be expended.

Amount authorized.

Sec. 2. The Board of Supervisors of the county of Wayne are hereby authorized to raise a sum not exceeding nine thousand dollars by a tax upon the taxable property in said county, in addition to the sum necessary for the ordinary county tax, which said sum shall be levied and collected at the same time, in the same manner, and together with the other county tax for the year eighteen hundred and forty-eight, without giving the notice required in section ten of chapter fourteen, of the Revised Statutes, and when so collected, the said sum of nine thousand dollars shall be applied in payment of the new jail erected as aforesaid-

How collected.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1848.

#### No. 40.

AN ACT appropriating certain internal improvement lands for the purpose of constructing bridges across Muskegon river, in the county of Newaygo, and for laying out, establishing, and improving a road from Newaygo, in the county of Newaygo, to Grand Rapids, in the county of Kent.

1,000 acres appropriated for free bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That one thousand acres of internal improvement lands be, and the same are hereby appropriated for the purpose of constructing a good and substantial free bridge across the Muskegon river, in the county of Newaygo, on section nineteen, (19,) in town twelve, (12,) north range twelve west.

2,000 acres for certain roads.

Sec. 2. In addition to the above, two thousand acres are hereby appropriated from the internal improvement lands belonging to the State for the purpose of laying out, opening and improving a State road from Newaygo, in the county of Newaygo, to the village of Grand Rapids, in the county of Kent.

Description of line of road, &c.

Sec. 3. The State road contemplated in the preceding section of this act, shall commence at the bridge to be constructed on said section nineteen, (19,) as mentioned in the first section of this act, running thence south, on the town and county lines, (as near as may be, having reference to the nature of the ground and practicability for constructing a road thereon,) between the counties of Oattawa and

Kent, twenty-four miles, to section nineteen, (19,) in town eight, north of range twelve west, thence to the village of Grand Rapids, in the county of Kent, on the most feasible route.

Sec. 4. For the purpose of carrying the provisions of this act into effect, the Governor of this State is hereby authorized to appoint a special commissioner, to make a selection of the lands hereinbefore appropriated, but said commissioner shall not make any selections in less parcels than eighty acres in any one place, and to report such selections to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner : *Provided*, That the said special commissioner shall first take and subscribe the constitutional oath of office, and shall file a bond, with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Gov. to appoint special commissioner

Comm's duties, &c.

Sec. 5. The said special commissioner shall, in virtue of his appointment, have the control and management of the several improvements specified in this act, and shall have power to let out by contract the building of said bridge, and the opening and working of said road, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract : *Provided*, That before the said letting, the said commissioner shall advertise for proposals for constructing said bridge and road, or either of them, or any part of said road, in separate sections, describing the same, such advertisement to be published four successive weeks in a newspaper published at Grand Rapids.

Sec. 6. Whenever any contractor, under the preceding section of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor according to the terms of such contract, or for any such services, by his order drawn on the commissioner of the State land office, which order shall be received at the land office in payment for any lands selected and reserved from sale by the fourth section of this act : *Provided*, That nothing herein contained shall authorize the commissioner of the State land office to sell any of said lands at a less price than that now established by law for the sale of

Contractors, how paid.

the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

**Power of commissioner** Sec. 7. For the purpose of laying out, opening and improving said road, said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

**To cause map &c. to be filed.** Sec. 8. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be included within the limits of each township, and that shall not run upon the line of an established road, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways.

**Compensation of comm'r.** Sec. 9. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all diligence and dispatch compatible with the proper economy and the best interests of the State, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, upon the warrant of the said Auditor General drawn upon the commissioner of the land office.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved February 14, 1848.

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No. 41.

AN ACT to organize certain townships in the counties of Marquette, Houghton, Schoolcraft, and Ontonagon.

Section 1. *Be it enacted by the Senate and House of Representa-*



*tives of the State of Michigan*, That all that part of the county of Houghton, designated as all that part of Kewanaw Point, east of the line between ranges twenty-nine and thirty west, and in townships fifty-seven, fifty-eight and fifty-nine north, and the islands adjacent thereto, including Manitou Island, be, and the same is hereby set off and organized into a separate township by the name of Copper Harbor; and the first township meeting shall be held at the house now or recently occupied by D. D. Brockway, in said township.

Township of  
Copper Har-  
bor organized

Sec. 2. That all that part of the county of Houghton embraced in townships fifty-seven, fifty-eight, and fifty-nine north, of range thirty west, and the east half of townships fifty-seven and fifty-eight north, of range thirty-one west, be, and the same is hereby set off and organized into a separate township by the name of Eagle Harbor, and the first township meeting to be held at the house now or recently occupied by Hiram Joy.

Eag Harbor.

Sec. 3. That all that part of the county of Houghton embraced within the east half of townships fifty-seven and fifty-eight north, of range thirty-one west, and townships fifty-seven and fifty-eight north, of range thirty-two and thirty-three west, be, and the same is hereby set off and organized into a separate township by the name of Houghton, and the first township meeting shall be held at the house now or recently occupied by Martin Coryell.

Houghton.

Sec. 4. That all that part of the county of Houghton embraced within townships fifty-three, fifty-four, fifty-five, and fifty-six, north, of ranges thirty, thirty-one, thirty-two, thirty-three, and thirty-four west, including Traverse Island, and excepting that part of Point Abbaye embraced in townships fifty-three north, of ranges thirty and thirty-one west, be, and the same is hereby set off and organized into a separate township by the name of Portage, and the first township meeting to be held at the house now or recently occupied by R. William-son.

Portage.

Sec. 5. That all that part of the county of Houghton embraced within townships fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five and fifty-six north, of ranges thirty-five, thirty-six and thirty-seven west, be, and the same is hereby set off and organized into a separate township, by the name of Algonquin, and the first township

Algonquin.

meeting shall be held at the house now or recently occupied by the Algonquin Mining Company.

**L'Ance.** Sec. 6. That all that part of the county of Houghton embraced within townships fifty, fifty-one and fifty-two north, of ranges twenty-six, twenty-seven and twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three and thirty-four west, and that part of Point Abaye embraced in township fifty-three north, of ranges thirty and thirty-one west, including the islands adjacent thereto, be, and the same is hereby set off and organized into a separate township by the name of L'Ance, and the first township meeting shall be held at the house now or recently occupied by Mr. Knapp.

**Ontonagon.** Sec. 7. All that part of the county of Ontonagon lying east of the line between ranges forty and forty-one west, be, and the same is hereby set off and organized into a separate township by the name of Ontonagon, and the first township meeting shall be held at the house now or recently occupied by James Paul.

**Pe-wa-bee.** Sec. 8. All of the county of Ontonagon lying west of the line running between ranges forty and forty-one west, be, and the same is hereby set off and organized into a separate township by the name of Pe-wa-bee, and the first township meeting shall be held at the house now or recently occupied by Thomas Palmer.

**Marquette** Sec. 9. All that part of the state of Michigan known as the county of Marquette, be, and the same is hereby set off and organized into a separate township by the name of Marquette, and the first township meeting shall be held at the house now or recently occupied by Lucius A. Thayer.

**Isle Royal.** Sec. 10. All that part of the State of Michigan known as Isle Royal, and the islands adjacent thereto in Lake Superior, be, and the same is hereby set off and organized into a separate township by the name of Isle Royal, and the first township meeting shall be held at the house now or recently occupied by Joseph Petty.

**Grand Island** Sec. 11. All that part of the State of Michigan known as the county of Schoolcraft, be, and the same is hereby set off and organized into a separate township, by the name of Grand Island, and the first township meeting shall be held at the house now or recently occupied by John W. Williams.

Sec. 12. The township of Ste. Marie, in the county of Chippewa, Chippewa. shall include the entire territory of said county of Chippewa.

Sec. 13. The first township meetings for the election of township officers in the aforesaid townships, shall be held on the first Tuesday First town-ship meet-ings. in July next ensuing, at the several places designated.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved February 15, 1848.

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No. 42.

AN ACT to incorporate the Woodstock Manual Labor Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jame G. Birney, William P. Russell, Prior Foster, Joseph Hewett, William W. Jackson and Joseph Foster, of the State of Michigan, together with such other persons as may be associated with them and their successors for that purpose, shall be, and they are hereby constituted a body politic and corporate, by the name and style of the Woodstock Manual Labor Institute, subject to the provisions relating to corporations, contained in chapter fifty-five of the Revised Statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the Legislature. Corporation created and defined.

Sec. 2. The trustees shall have power, and they are hereby authorized to establish in the township of Woodstock, in the county of Lenawee, an institution for the instruction of persons of color, and others, in ancient or modern languages, or literature, and the arts and sciences, and shall faithfully apply all funds received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary or proper for the successful prosecution of study in said institution. Powers of trustees.

Sec. 3. Said board of trustees shall be in law, capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for Ibid.

the use of said corporation, and for the interest of said institute, and no other, and shall be held liable for all debts as partners in trade after the corporate property shall have been exhausted.

Visitation by  
and annual  
report to sup  
of pub inst.

Sec. 4. The institution shall be subject to visitation at any time, by the superintendent of public instruction, and the trustee shall annually, on or before the twentieth day of October, in each year, make to the superintendent a full report of the literary and pecuniary condition of said institution.

Sec. 5. The Legislature may at any time alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved February 19, 1848.

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No. 43.

AN ACT to authorize Robert R. Thompson and Titus Yerkes, to erect and maintain a dam across, the Shiawassee River, in the county of Shiawassee.

Dam autho-  
rized, height  
&c. of.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Robert R. Thompson and Titus Yerkes, their heirs or assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Shiawassee river, on the north-east quarter of section thirty-six, in township seven, north, of range three east, in the county of Shiawassee: *Provided*, said dam shall be built within four years from the passage of this act: *And provided further*, the owner or occupant of said dam shall construct therein or thereat, a convenient lock, at least eighty feet in length and eighteen feet in width for the safe passage of boats, canoes, rafts and other water craft.

To have lock  
&c.

Injuries to  
dam or lock  
a misdemen-  
nor.

Sec. 2. Any person who shall wilfully or maliciously destroy or injure the said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court; but nothing in this act contained, shall be construed to effect the rights of individuals who may be injured by reason

of the erection or continuing said dam, and the legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 19, 1848.

No. 44.

AN ACT to incorporate the Olivet Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Douglass, Carlow Reed, Oramel Hosford, Wm. Hosford, Enoch N. Bartlett, John G. Barns, Chas. M. Bordwell and Wilson C. Esdell, of the county of Eaton, together with such other persons as may be associated with them and their successors, for that purpose, shall be and they are hereby constituted a body politic and corporate, by the name and style of the Olivet Institute, subject to the provisions relating to corporations, contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the legislature.

Olivet Institute incorporated.

Sec. 2. The trustees shall have power, and they are hereby authorized to establish in the township of Walton, in the county of Eaton, an institution for the instruction of young persons, in ancient or modern languages or literature, and the arts and sciences; and shall faithfully apply all funds, received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus, necessary or proper for the successful prosecution of study in said institution.

Trustees to establish and maintain literary institute &c.

Sec. 3. Said board of trustees shall be, in law, capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for the use of said corporation, and no other, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted.

Powers and liabilities of trustees.

Sup of pub  
inst to visit  
institution.

Sec. 4. The institution shall be subject to visitation, at any time, by the Superintendent of Public Instruction, and the trustees shall annually, on or before the 20th day of October, in each year, make to the Superintendent a full report of the literary and pecuniary condition of said institution.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 22, 1848.

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No. 45.

AN ACT to amend the Charter of the City of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where a jury may be required by the common council of Detroit, the same shall be obtained in the following manner :

Assessors to  
return lists  
of jurymen.

Sec. 2. The common council may, at any time, not oftener than once a year, direct the assessors of their several wards or districts to select from their respective assessment rolls as last prepared, a list of the names of two hundred persons who are legally qualified voters and residents of the city of Detroit, and return the same to the common council, to serve as jurors in all cases required as aforesaid, which said returns shall be signed by said assessors respectively, and filed with the city clerk.

Duty of city  
clerk.

Sec. 3. When such returns are all made as above provided, the city clerk shall write the names of said persons so selected on separate strips of paper, and deposite and preserve the same in a jury box, to be kept for that purpose ; and such persons so returned shall be liable to serve for the period of at least one year, and until another return shall be made in the manner aforesaid, under the direction of the common council.

How jury  
shall be sum-  
moned.

Sec. 4. Whenever a jury shall be required at a sitting of the Mayor's court, the city attorney shall notify the clerk of the same, who shall forthwith, in the presence of the presiding officer of the court, and the marshal, proceed to draw from said jury box the names of twelve persons who shall serve as such jurors, and the clerk shall immediate-

ly make out a venire facias, commanding the city marshal or any city constable, to summon the parties so drawn to attend the session of said court, and not depart the same until discharged, under such penalty, not exceeding ten dollars, as the court may impose ; and in case of a default in the attendance of such jurors, or in case the number in attendance be reduced by challenge, (the right to which is hereby extended to the parties as in circuit courts,) the said Mayor's court shall have the power to direct the summoning of talesmen, who shall be subject, in case of default, to the penalty in this section provided.

Sec. 5. Whenever the common council shall propose either to close, vacate, lay out, establish, open, make, widen, or in any manner alter any public street, lane or alley, highway water course or bridge, it shall, by resolution, order a jury to be drawn for that purpose from the aforesaid box, by the city clerk, in the presence of the mayor and recorder, and shall also give reasonable notice of the time, place and object of drawing said jury, to all persons whose property may be injuriously affected by the proposed measure. In the absence of either the mayor or recorder, from any cause, it shall and may be lawful for any one of the aldermen to attend the drawing of such jury, and to officiate in place of such absentee, in all respects, according to the provisions hereof.

Juries on laying out streets, &c.

Sec. 6. The clerk shall then draw from said jury box the names of eighteen disinterested persons, and any person whose property may be injuriously affected by the proposed measure may object to the name of any person who shall be drawn, on the ground of interest, and the mayor and recorder shall immediately try and summarily determine the question whether such person is interested or not.

Duty of city clerk.

Sec. 7. The clerk shall then make out a list of said eighteen persons and give the same to the city marshal, and shall summon any twelve of the same who can be found to attend forthwith before the city clerk ; and said twelve persons shall be empannelled by said clerk as a jury, and be by him sworn well and truly to inquire whether the public convenience and advantage require the thing to be done ; and if they find in the affirmative, then to enquire what damages, if any, the same will work to any owner or owners, occupier or occupiers of any premises to be affected thereby, and to assess the same, specifying the damages to every distinct piece of property so affected.

Ibid.

Verdict of jury.

Sec. 8. The jury shall then, under the direction of the city marshal, go to the premises where the proposed improvement is to be made, and view the same, and there determine upon the matters required by their oaths aforesaid, and give their verdict in writing, which shall be delivered to the city clerk, filed in his office and recorded by him in the records of the common council; and the said marshal shall not allow said jury to separate nor privately hold conversation with any person until they shall have delivered their verdict to the city clerk.

New jury.

Sec. 9. In case the mayor or recorder shall be satisfied that such jury cannot agree, he may discharge them, and a new jury may then be ordered by the common council as aforesaid.

Damages to be paid to city clerk.

Sec. 10. The damages, if any shall be awarded by said jury, shall be paid to the city clerk for the benefit of the persons entitled thereto, within thirty days after the verdict of the jury shall be returned, and recorded in the records of the common council.

When com. council to proceed on verdict of jury.

Sec. 11. If the verdict of the jury shall be in favor of the proposed improvement, after said verdict shall have been recorded as aforesaid, and after the damages which may have been awarded shall have been duly paid, the common council may direct the contemplated improvement or alteration to be made agreeably to the finding of the jury, in such manner as said council shall think proper.

Appeal from assessment of jury.

Sec. 12. Any person whose property is affected by such proceedings, and who is aggrieved thereby, may appeal to the circuit court of the county of Wayne, by filing a written notice of appeal, and a specification of the alleged error or errors in the proceedings, with the city clerk within five days after the verdict of the jury shall have been rendered, and it shall be the duty of the city clerk, within thirty days after the filing of such notice and specification, to certify fully all the proceedings in the case to the said circuit court: *Provided however*, that on such appeal nothing but the regularity of the proceedings shall be inquired into, and that such proposed improvement or alteration shall in no manner be stayed by such appeal.

Proceeding appeal.

Sec. 13. The circuit court may, on such appeal, affirm or reverse the proceedings, and award costs in such manner as they shall deem proper, but no reversal shall be granted for matter of form only, and in case of any error in matter of substance, the said erroneous proceeding and all proceedings subsequent thereto shall be reversed and set aside;



and thereupon the common council of the city may recommence at the last regular proceeding, and continue the same as herein provided for original proceedings: *Provided*, That the same may be so varied that the proceedings shall have reference only to the rights and interests of the appellant or appellants.

Sec. 14. After an appeal has been taken, and specification of errors filed as above provided, if the common council shall be satisfied that there has been error in any of the proceedings, it shall be lawful for them within twenty days after said appeal, to set aside proceedings in the same manner as is above provided in respect to the circuit court, and recommence proceedings as above provided; and in such case no further proceedings shall be had on the appeal; but a new appeal may be taken in all cases on renewed proceedings, in the same manner and with the same effect as on the original proceedings.

Council may set aside proceeding, and recommence

Sec. 15. If the property of several persons is affected by the proposed measure, the proceedings, if erroneous, shall be considered as reversed only in regard to the person or persons making the appeal, and no appellant, pending the appeal, shall be entitled to any money paid to the city clerk for his damages, and in case the proceedings are sustained, all costs awarded against the appellant shall be deducted from said damages, and the balance only paid to the appellant.

Appellant only entitled to reversal, &c.

Sec. 16. The common council shall have full power to prescribe the fees to be paid to the jurors and other officers for their services under the foregoing provisions.

Fees

Sec. 17. The mayor, recorder and aldermen of the city of Detroit are hereby authorized to divide the city of Detroit into three districts for the purposes of assessment. The first district to be composed of the first and second wards; the second district of the third, fourth and seventh wards; and the third district of the fifth and sixth wards; and the common council of said city may hereafter divide the said city into such assessment districts as may become necessary.

Assessment districts.

Sec. 18. There shall be chosen at the charter election for the year eighteen hundred and forty-nine, by the electors of the city of Detroit, one assessor for each of said districts, and for the following periods to wit: the assessor for the first district shall be elected and hold his office for the term of one year; the assessor for the second district, for the term of two years, and the assessor for the third district, for the term of three

Assessors.

years, and thereafter said assessors shall each and all be elected for the full period of three years.

Appraisers' of property.

Sec. 19. The three assessors so chosen from said districts shall once in each year, and between such periods therein as the common council may from time to time fix and appoint, jointly appraise all the real and personal estate in all three of said districts, and shall together make out and sign the assessment rolls of all the taxable persons and property in said three districts, making a separate roll for each district in the manner already provided for by law.

Collectors of taxes.

Sec. 20. The said mayor, recorder and aldermen are hereby authorized to appoint one or more collectors, as they may deem necessary, and for such period as they shall see fit, whose duty it shall be to collect the city and school taxes, and the state and county taxes in said several districts, and account for the same as already provided. Such collector or collectors shall be required to give bonds in such manner, and be entitled to such compensation as is or may be prescribed by law for township officers doing similar duties: *Provided*, That for the collection of city and school tax, such officers shall be entitled to take and receive only such compensation as may be fixed and allowed therefor by the mayor, recorder and aldermen of the city of Detroit.

Sec. 21. The assessment so made as above provided, shall be taken and adopted as the regular assessment for the county and state taxes throughout the three said several districts above described.

Act amended

Sec. 22. Section two of an act entitled "an act to amend an act entitled 'an act relative to the city of Detroit,'" approved June 29, 1832, and an act entitled "an act to amend the charter of the city of Detroit," approved 23d February, 1846, and all other acts or parts of acts constituting the charter of the city of Detroit, which may in any manner be inconsistent with the provisions of this act, are hereby repealed.

Act amended

Sec. 23. The fourteenth section of an act entitled "an act to amend the charter of the city of Detroit," approved April 13, 1841, is hereby amended by striking out the clause commencing in the ninth line with the word "higher," and ending with the word "building," in the eleventh line, so that said section as amended shall read as follows: "Sec 14. The common council of said city shall have full power and authority to pass such by-laws and ordinances for the prevention and extinguishment of fires in said city, as may be proper and requisite for the

public good; and the said common council shall have full power and authority to prohibit and forbid any person or persons to erect or cause to be erected within such parts, streets or districts of said city, as the public safety may require, any wooden or frame house, store, shop or other building. And the said common council shall have full power and authority to pass such by-laws and ordinances as may be proper and necessary in the premises, and also in regard to the regulation and construction of partition walls, and the construction and location of blacksmith shops and bakeries in said city."

Sec. 24. At every ward election, after the annual charter election for the year eighteen hundred and forty-nine, the ward inspectors shall consist of the two aldermen of their respective wards who shall be duly sworn to a faithful performance of their duties; and if, from any cause, either or both of the said aldermen shall fail to attend any such election, his or their places may be supplied for the time being by the electors present, who shall elect any of their number viva voce.

Approved February 22, 1848.

No. 46.

AN ACT to amend an act entitled an act to incorporate the Detroit River Sectional Floating Dock, Dry Dock and Marine Railway Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of an act to incorporate the Detroit River Sectional Floating Dock, Dry Dock and Marine Railway Company, approved March 17, 1847, be and the same is hereby amended by striking out the word "fifty," in the first line of said section, as printed, and inserting in lieu thereof the word "forty;" and also by striking out the word "five," in the third line of said section, and inserting the word "two."

Sec. 2. That for the purposes of carrying out the objects contemplated in the act to which this is amendatory, said company may at any time within one year from the passage of this act, proceed in all respects, as though the said company had organized under said act.

Sec. 3. This act shall take effect, and be in force from and after its passage.

Approved February 24, 1848.

## No. 47.

AN ACT to authorize the Supervisors of the county of Genesee to build a free bridge across Flint river, at the village of Flint.

Supervisor  
of Genesee  
authorized  
to build free  
bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Genesee be, and they are hereby authorized to build a free bridge across Flint river, in the village of Flint in said county: *Provided* the same shall be so constructed as not unnecessarily to obstruct the navigation of said river.

5000 acres  
appropriated  
for that pur-  
pose.  
Duties of su-  
pervisors.

Sec. 2. That five thousand acres of internal improvement lands upon the lower peninsula be, and the same are hereby appropriated for the purpose of building said bridge; the said supervisors may select said land and report their selections to the commissioner of the land office who shall reserve them for the purposes above stated, and shall issue certificates therefor, in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided*, it is finished within two years from the passage of this act, the certificates not to be issued until the sheriff of the county of Genesee shall certify to the commissioner of the land office that said bridge is completed, and the amount of the certificates shall not exceed the above appropriation at one dollar and twenty-five cents per acre; and *provided further*, that all expenses incurred in the selection of said lands, shall be paid by the county of Genesee.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 24, 1848.

## No. 48.

AN ACT to alter the times of the annual charter election of the city of Monroe.

Monroe  
charter elec-  
tion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the annual charter election of the city of Monroe shall hereafter be held on the first Monday of April in each year instead of the first Monday of March as now provided by law.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved February 23, 1848.

## No. 49.

**AN ACT** to provide for the improvement of the Clinton river, in the county of Macomb.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That two thousand five hundred acres of internal improvement land be, and the same are hereby appropriated for the purpose of constructing a towing path on the bank of the Clinton river (where the same may be necessary,) in the townships of Clinton and Harrison, in the county of Macomb, from the village of Mount Clemens to the mouth of said river, and for the purpose of removing obstructions in the bed of said river from the village of Mt. Clemens aforesaid to the mouth thereof.

25,000 acres  
appropriated  
for improve-  
ment of Clin-  
ton river.

**Sec. 2.** For the purpose of carrying this act into effect, Porter Kibbee is hereby appointed a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the commissioner of the State land office, who shall thereupon reserve the same from sale, issuing no certificates for any tract or parcel thereof except upon the order of said special commissioner: *Provided,* That no such selection shall be made in any one parcel of less than eighty acres: *Provided,* That the said special commissioner shall first take and subscribe the constitutional oath of office, and shall file a bond with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Porter Kib-  
bee appoint-  
ed special  
comm'r.

**Sec. 3.** The said special commissioner shall, in virtue of his appointment, have the control and management of the several improvements specified in this act, and shall have power to let out by contract the constructing of said towing path, or the removing of said obstructions or any portion thereof, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided,* That before such letting, the said commissioner shall advertise for proposals for constructing said towing path or removing said obstructions, both or any part of said work, describing the same; such advertisement to be published four successive weeks in a newspaper published at Mount Clemens.

Duties of  
comm'r.

**Sec. 4.** Whenever any contractor under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said

Contractors,  
how paid, &c

special commissioner, or any services shall have been rendered under the provision of this act, it shall be the duty of said special commissioner to pay said contractor, according to the terms of such contract, or for any such services, by his order drawn on the commissioner of the State land office, which order shall be received at the land office in payment for any lands selected and reserved from sale by the second section of this act: *Provided*, That nothing herein contained shall authorize the commissioner of the State land office to sell any of said lands at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Powers of  
com'r.

Sec. 5. For the purpose of constructing said towing path, said commissioner shall possess the power now conferred by law upon the highway commissioners of the townships through which said towing path shall be constructed, and for settling and adjusting all claims for damages by persons interested in the lands through which said towing path shall be constructed, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall be thereupon had, in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Compt. acc'n  
of com'r; his  
acc't to be  
rendered to  
aud. general,  
verified, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all the diligence and despatch compatible with proper economy and the best interest of the State, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and the Auditor General shall draw his warrant for the amount of such account against the internal improvement lands, which warrant shall be receivable at the State land office as drawn against the appropriation made by this act: *Provided*, That nothing shall be paid to said commissioner for selecting the lands hereby appropriated: *Provided further*, That the special commissioner shall not draw orders including the amount charged for his services under this act, exceeding the amount hereby appropriated.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 28, 1848.

No. 50.

AN ACT to authorize Henry C. Smith, Henry Hall and George Miller to construct a free bridge across Grand river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry C. Smith, Henry Hall <sup>Authorized to build dam.</sup> and George Miller, of the township of Plainfield, in the county of Kent, be and they are hereby authorized to construct a free bridge across Grand river, above and near the mouth of Rouge river, in said township: *Provided*, said bridge shall be so constructed as not to unnecessarily obstruct the navigation of said river.

Sec. 2. The legislature may at any time hereafter, alter, amend or repeal this act by a vote of two-thirds of the members of each House.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved February 28, 1848:

No. 51.

AN ACT to amend section six, chapter twenty-five, and section nine, chapter twenty-two, and section sixteen of chapter twenty-four, of the Revised Statutes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section six of chapter twenty-five of the Revised Statutes, approved May 18, 1846, be amended by striking out of said section all after the word claimant, in the fourth line thereof: *Provided*, the damages thus allowed to any one individual shall not exceed twenty-five dollars, and that the aggregate amount of damages thus allowed shall not exceed two hundred dollars, upon any one road." <sup>Revised statutes amended.</sup>

Sec. 2. That section nine of chapter twenty-two of the Revised Statutes be, and it is hereby amended by striking out of said section the word "and," where it occurs between the words "commutations and delinquencies," in the last line of said section, and inserting after the word "delinquencies," in the same line, "or non-resident highway taxes within such district." <sup>Ibid.</sup>

Sec. 3. That section sixteen of chapter twenty-four be amended by inserting in the seventh line, after the word "ways," the words "for the payment of ploughs and scrapers, if any have been purchased, and."

## LAWS OF MICHIGAN.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 1, 1848.

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No. 52.

AN ACT to amend an act relative to the amount due the University fund from the county of Lenawee, approved March 15, 1845.

*Act amended* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act relative to the amount due the University fund from the county of Lenawee, approved March 15, 1847, be, and the same is hereby amended by striking out the word "September," in the fifth line of the first section, and inserting the word "March;" and, also, by inserting in the eleventh line of said section, before the word "supervisors," the words "chairman of the board of," so that said section shall read as follows :

*Section as amended.* "Sec. 1. That the time for the payment of the sum of thirteen thousand dollars due from the county of Lenawee to the University fund of this State, be, and the same is hereby extended so that the same shall be payable in six equal annual instalments, as near as may be, from the first day of March inst., with interest annually on the whole sum unpaid : *Provided*, that the interest due upon such principal sum be first paid, and new bonds be given for the payment of the said principal sum and annual interest as above provided. And the commissioner of the State land office is hereby instructed to receive new bonds for such payment, to be given by the chairman of the board of supervisors of the county of Lenawee, in the usual form, and on the receipt of such new bonds, to deliver up the bonds heretofore given for the payment of the said principal sum by the board of commissioners or supervisors of said county of Lenawee."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 1, 1848.

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No. 53.

AN ACT to provide for holding special elections in case of vacancy in the office of county judge and second judge of the county courts.

Section 1. *Be it enacted by the Senate and House of Representa-*



*tives of the State of Michigan*, That it shall be lawful for the electors of any county in this State to hold a special election therein on the first Monday of April in any year, for the purpose of filling any vacancy in either of the offices of county judge or second judge of the county court of such county. And such election may be held when the county clerk shall at least twenty days before the annual township meeting, give notice to the township clerks of the several townships of the said county, that elections will be held to fill such vacancy, any law to the contrary notwithstanding.

Special election authorized for co. judges.

Sec. 2. The votes cast at such election shall be canvassed, the result certified and determined in the manner, and under the restrictions and regulations provided by existing laws for holding special elections.

Canvass of votes.

Sec. 3. This act shall take effect from and after its passage.

Approved March 3, 1848.

No. 54.

AN ACT to amend an act entitled an act to incorporate the St. Mary's Canal Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act entitled the act to incorporate the St. Mary's Canal Company, approved March 17, 1847, is hereby amended by striking out the words "for the period of fifty years," in the ninth and tenth lines of said section.

Act amended

Sec. 2. That section six of said act be amended by striking out the word "eight," in the third line of said section, and inserting "nine."

Sec. 3. That section twelve of said act be amended by striking out the word "ten," and inserting "fifteen," in the ninth line thereof.

Sec. 4. That section thirteen of said act be amended by striking out the words "two" and "five," and inserting "three" and "six," in the second and third lines thereof.

Sec. 5. That section seventeen of said act be entirely stricken out.

Sec. 6. That section nineteen of said act be so amended as to read as follows: "Said company shall pay or cause to be paid to the State Treasurer, on or before the first day of December in each year, a tax of one per centum on the capital stock paid in, and all loans ob-

Section as amended

tained for the purpose of constructing said works, which shall be in lieu of all other taxes.

Right to re-  
peal or am'd  
reserved to  
the state.

Sec. 7. The State reserves the right, at the expiration of fifty years to alter, amend or repeal this act, or of the act to which this is amendatory, and at any time for any violation of the provisions of this act, or the act to which this is amendatory, by a vote of two-thirds of each branch of the Legislature.

Sec. 8. This act shall take effect and become a law from and after its passage.

Approved March 4, 1848.

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No. 55.

AN ACT to authorize the collection of certain taxes in the township of Flint, Genesee County.

Supervisor  
of Flint to re-  
new tax war-  
rant.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the dissolution of an injunction heretofore issued from the circuit court in chancery, against the treasurer of the township of Flint, in the county of Genesee, prohibiting him from the collection of certain taxes for the year eighteen hundred and forty-seven, the supervisor of said township shall be authorized to renew the warrant upon the original assessment roll of eighteen hundred and forty-seven, with the warrant attached, and the same shall be in full force and effect for the period of thirty days from and after such renewal.

Powers and  
duties of  
treasurer.

Sec. 2. On the receipt of said assessment roll with the warrant renewed as aforesaid, the township treasurer shall have the same authority to collect the taxes aforesaid, and it shall be his duty to collect and account for the same, in the same manner, and with the like powers, as he might have done during the original life time of said warrant, had not said injunction been served upon him, and all laws applicable to the collection of taxes shall apply to and govern his proceedings therein, during the said period of thirty days, and until he has accounted for the money so collected.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1848.

No. 56.

**AN ACT** for the repeal of the levying and collecting of the annual tax, for the support of the volunteer militia of this State.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all of sections one, two, three, four, five, six and seven, of chapter fourteen of the act approved May 16th, 1846, which provides for the levying and collecting of the annual tax for the support of the volunteer militia of this State, be, and the same is hereby repealed. Sections repealed.

**Sec. 2.** So much of the moneys collected and returned into the county treasury by virtue of section two of the act hereby repealed, as belongs by virtue of said act to the first battalion of Frontier Guards of Wayne; the second battalion of National Guards, of Livingston, and the first battalion of National Guards, of Lenawee, shall upon application of the paymasters of said battalions be paid over to such paymasters, by the county treasurers of the several counties in which said battalions are situated, upon such paymasters making application therefor, and executing and delivering to said county treasurers a good and sufficient bond, conditioned for the faithful application according to said act, of all moneys that may come into their hands by virtue of their office: *Provided*, said paymaster shall have no power to draw any money from any county where there is no company or part of a company organized within said county. Tax now collected to be paid to certain batt'ns

**Sec. 3.** That all independent volunteer companies who are fully uniformed and equipped, and have done duty in conformity to the provisions of the act hereby repealed, but who are not attached to any organized battalion, shall be entitled to the same benefits and privileges as is by virtue of this act extended to the independent companies composing battalions, upon the clerks of said companies complying with the conditions and requirements as is specified in section two of this act, in regard to paymasters of battalions: *Provided*, that no moneys shall be drawn by the clerk of any such independent volunteer company from any township, city or village, other than those who may be within the boundaries of said companies or some part thereof. (Certain) volunteer companies entitled to share of tax.

**Sec. 4.** All of the moneys collected by virtue of sections one and two of the act hereby repealed, and paid into the several county treasuries, shall be paid to the several county inspectors, Residue of tax to be paid to said inspectors.

surers, or still remaining in the hands of any collector, (except as otherwise provided in sections two and three of this act,) shall be paid over by the several county and township treasurers, upon application therefor to the chairman of the board of school inspectors of the several townships of this State in which said moneys were collected, to be by him applied for the support of common schools in the several districts in his township in proportion to the scholars between the ages of four and eighteen in said districts.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 6, 1848.

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No. 57.

AN ACT directing the publication of a statement of lands to be sold in Clinton and Ingham Counties in 1848.

Publication  
of tax sales  
of 1848 in  
Ingham and  
Clinton co's.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Auditor General shall cause the statement of the land to be sold in the counties of Clinton and Ingham for taxes in October, eighteen hundred and forty-eight, to be published in the state paper, which statement shall be published in the same manner, for the same time, and to the same effect, as like statements required by law to be published in other cases.

Sec. 2. All laws contravening the provisions of this act are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

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No. 59.

AN ACT to amend chapter one hundred and forty-two of the Revised Statutes, entitled "of the relief of insolvent debtors on the application of an insolvent and his creditors.

Revised statutes  
amend'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter one hundred and forty-two of the Revised Statutes of Michigan, of 1846, entitled "of the re-

lief of insolvent debtors on the application of an insolvent and his creditors," be, and the same is hereby amended by adding thereto, to stand as section thirty-one, the following :

Sec. 31. The oath of any petitioning creditor residing out of this State may be administered by any judge of a court of record, in the State or territory where such creditor resides.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

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No. 59.

AN ACT to authorize Joel Andrews, of the county of Ionia to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Joel Andrews, a minor, of the county of Ionia, in the state of Michigan, be and he is hereby authorized and empowered to sell and convey the following described parcel of land, viz : the south west quarter of the south west quarter of number thirteen, in township number seven north of range number eight west, according to the United States survey, in as sufficient and ample a manner as if the said Joel Andrews were of full age : *Provided*, That no such conveyance shall be of any effect unless the judge of probate of said county of Ionia shall under his hand and the seal of his office, certify upon the back of said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 7, 1848.

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No. 60.

AN ACT to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That town number six north, of range number nine west, in the county of Kent, be, and the same is hereby set off from the township of Vergennes, and organized into a separate Township of Vergennes organized.

township, by the name of Lowell, and the first township meeting therein shall be held at the house of D. A. Marvin, in said township.

Wyoming.

Sec. 2. That town number six north, of range twelve west, in the county of Kent, be, and the same is hereby set off from the township of Byron, and organized into a separate township by the name of Wyoming, and the first township meeting therein shall be held at the house of Dwight Rankin, in said township.

Leighton.

Sec. 3. That number four north, of range eleven west, in the county of Allegan, be, and the same is hereby set off from the township of Wayland, and organized into a separate township by the name of Leighton, and the first township meeting therein shall be held at the Green Lake House, in said township.

Gaines.

Sec. 4. That town number five north, of range number eleven west, in the county of Kent, be, and the same is hereby set off from the township of Paris, and organized into a separate township by the name of Gaines, and the first township meeting therein shall be held at the school house in school district number four, in said township.

Chester.

Sec. 5. That town number nine north, of range number thirteen west, in the county of Ottawa, be, and the same is hereby set off from the township of Wright, and organized into a separate township by the name of Chester, and the first township meeting therein, shall be held at the house of John S. McLain, in said township.

Holland attached to Ottawa.

Sec. 6. That town number five north, of ranges fourteen, fifteen and sixteen west, known as the township of Holland, be, and the same is hereby attached to and made a part of the township of Ottawa, for the period of one year from the passage of this act.

Barry changed to Gates.

Sec. 7. That the name of the township of Yankee Springs, in the county of Barry, shall be, and the same is hereby changed to Gates.

Towns attached to Du Plain.

Sec. 8. That towns number nine and ten north, of range number one west, in the county of Gratiot, be, and the same are hereby attached to and made part of the township of Du Plain, in the county of Clinton, and that town number ten north, of range three west, in the county of Gratiot, be, and the same is hereby attached to and made part of the township of Essex, in the county of Clinton.

Towns attached to Essex.

Bridgeport.

Sec. 9. That towns number ten and eleven north, of range number five east, that are not now included in the township of Taymouth; also, all of town number ten and eleven north, of range six east, in the

county of Saginaw, be, and the same is hereby set off from the township of Saginaw; and organized into a separate township, by the name of Bridgeport, and the first township meeting therein, shall be held at the house of Noah Beach.

Sec. 10. That towns number nine north, of ranges number thirteen, Worth, fourteen, fifteen, sixteen and seventeen east, in the county of St. Clair, be, and the same is hereby set off from the township of Lexington, and organized into a separate township by the name of Worth, and the first township meeting therein shall be held at the school house, near the dwelling house of John Galbraith, in said township.

Sec. 11. That all that part of the county of Sanilac, north of town number ten north, of ranges thirteen, fourteen, fifteen and sixteen Sanilac. east, be, and the same is hereby set off from the township of Lexington, and organized into a separate township by the name of Sanilac, and the first township meeting therein shall be held at the house of Jacob Sharp, in said township.

Sec. 12. That the name of the township of Wabacis, in the county of Kent, be, and the same is hereby changed to Courtland; and that township number ten north, of range ten west, and township number ten north, of range nine west, be, and the same is hereby attached to said township. Wabacis changed to Courtland.

Sec. 13. That all that portion of town number eight north, of range ten west, lying south of Grand River, be, and the same is hereby set off from the township of Grand Rapids, in the county of Kent, and attached to the township of Plainfield, in said county. Towns attached to Plainfield.

Sec. 14. All that part of town number six north, of range number ten west, laying south of Grand River, in the county of Kent, be, and the same is hereby set off from the township of Ada, and organized into a separate township by the name of Cascade, and the first township meeting therein shall be held at the house of William S. Gunn, in said township. Cascade.

Sec. 15. That towns number eleven and twelve north, of ranges sixteen, seventeen and eighteen west, in the county of Oceana, be, and the same are hereby set off from the township of Muskegon and organized into a separate township by the name of White River, and the first township meeting shall be held at the house of Charles Mears in said township. White River

Rowland  
changed to  
Ransom.

Sec. 16. That the name of the township of Rowland, in the county of Hillsdale, be and the same is hereby changed to that of Ransom, and by that name it shall hereafter be designated and known.

Hamtramck  
divided.

Sec. 17. That so much of the township of Hamtramck, in the county of Wayne, laying east of a line commencing at a point on the Detroit river, where the easterly line of private land claim number three hundred and eighty-five touches said river, thence following said easterly line, north-westerly to Conner's Creek, thence up said Creek to the south line of section number ten, in town number one south, of range twelve east; thence east to the south-east corner of said section ten; thence north on the said section line to the north line of said

Grosse Point  
organized.

county of Wayne, shall be, and the same is hereby set off from the said township of Hamtramck, and organized into a separate township, by the name of Grosse Point; and the first township meeting thereon shall be held at the house of Henry Hudson, on Lake St. Clair, in said township.

Next town-  
ship meeting  
in Ham-  
tramck.

Sec. 18. That the next township meeting in the township of Hamtramck shall be held at the house of Joseph Fisher, on the Fort Gattiot road, in said township.

Sec. 19. This act shall take effect and be in force from and after the first day of April next.

Approved March 9, 1848.

#### No. 61.

AN ACT to amend an act to authorize the sale of certain lands on the Macon Reserve.

Act amend'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled an act to authorize the sale of certain lands on the Macon Reserve, approved March 19, 1845, be and the same is hereby amended by striking out the first and second sections of said act, and inserting in lieu thereof the following:

Rector of St  
Anne may  
sell certain  
property.

Sec. 2. That the said Rector of the said church shall be and he is hereby authorized and empowered to grant, bargain and sell for the use of the said church of St. Anne said land in said patent described in such parcels, at such time, for such prices, and in such manner, and on such



terms of credit as he shall deem best for the interest of said church, and thereupon may execute to the purchaser or purchasers, good and valid deeds of conveyance of said lands in fee simple.

Sec. 3. The proceeds of any such sale shall be by the said Rector invested in such kind of stocks or securities as he may think proper, for any term not exceeding four years at a time, at a rate of interest not less than six per cent., which shall constitute a fund for the use and benefit of said church of St. Anne: *Provided nevertheless*, That the proceeds of any of said lands may be applied in payment of any debts of said corporation.

Rector shall invest proceeds.

Sec. 4. The trustees of said church may at any time call said Rector to an account for the proceeds of any such sales, and may require of him such security as they shall deem necessary for the faithful accounting for and application of any such monies.

Shall account

Approved March 13, 1848.

# No. 62.

## AN ACT relative to Plank Roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all corporations hereafter created for the purpose of constructing plank roads, shall be subject to the provisions hereinafter contained.

All plank road companies subject to this act.

Sec. 2. All acts incorporating companies for the purpose aforesaid, shall contain the names of not less than three persons, as commissioners, to receive subscriptions to the capital stock of said corporation, and shall specify the point or place from which, and to which said road is to be constructed, the capital stock of such company, and the number of shares into which the stock is to be divided, and the duration of such corporation.

To specify certain particulars.

Sec. 3. All such corporations shall be deemed persons in law, and as such capable of suing and being sued in all courts, and in all manner of actions, and may have a common seal, and be capable of purchasing and acquiring from any person or persons, by gift, grant or otherwise, and holding any land, tenements and hereditaments necessary to be used in the construction, repair and preservation of any such road, and may establish by-laws and regulations necessary for the con-

Powers of plank road companies.

struction, preservation and repair of any such roads, and the erection of toll gates and houses thereon ; and may by such by-laws prescribe the manner of calling and conducting the meetings of the stockholders in any such road ; the number of shares of stock that shall entitle a stockholder to one or more votes ; the mode of voting by proxy ; the mode of selling shares of stock for the non-payment of assessments ; the mode in which shares may become forfeited to such company ; and may prescribe penalties for violations of such by-laws which penalties shall not exceed twenty dollars for any offence.

**Duties of com's in opening books**

Sec. 4. Within six months after the passage of an act incorporating any such company, the commissioners named therein shall proceed to estimate the length of the proposed road, and cause books to be opened for the subscription of stock in any such company, at such times and places as they may see fit, first giving at least thirty days notice thereof, which said notice shall be published in some public newspaper printed in some county in which or through which some part of the proposed road is to be constructed ; and if there is no such paper, then such notice shall be published in some daily paper in the city of Detroit, and in such other papers as such commissioners may designate : and the said commissioners, or a majority of them, shall attend at such times and places for the purpose of receiving such subscriptions.

**When com's shall call first meeting.**

Sec. 5. Whenever according to the length of the road as estimated by the commissioners, three hundred dollars per mile of the capital stock of any such company shall have been subscribed, the commissioners shall proceed to call a meeting of the stockholders in any such company, by giving notice of such meeting by publishing such call in some newspaper published in one of the counties in or through which the proposed road is to be constructed ; if there is no paper published in any such counties, said notice may be published in a daily paper in the city of Detroit, and in any other paper in the state that said commissioners may select ; such notice shall be signed by such commissioners, or by a majority of them, and shall specify the time and place at which said meeting will be held, and shall be published at least two weeks consecutively, next preceding the day of such meeting.

**What officers to be chosen.**

Sec. 6. At the meeting so called, the stockholders present shall elect not less than three, nor more than five directors, each share of the capital stock being entitled to one vote, who shall hold their office for one year

from and after such election, and until their successors are elected ; a majority of said directors shall constitute a quorum for the transaction of business, and shall proceed forthwith to elect from their own number, a president, treasurer and secretary, who shall respectively hold their offices for one year, and until their successors are elected.

Sec. 7. The business and property of such companies shall be managed and conducted by their respective boards of directors. The directors of all such companies after the first year, shall be elected at such time and place, and upon such notice, and in such manner as shall be directed by the by-laws of any such company ; and whenever a vacancy shall occur in any such board of directors, such vacancy shall be filled for the remainder of the year, by an election to be made by the remaining directors ; no person shall be a director unless he is a stockholder in the company.

*Powers of directors—how chosen thereafter.*

Sec. 8. The board of directors of any such company may require payment of the sums subscribed to the capital stock, at such time, and in such manner and proportions, and on such conditions as they shall see fit, under a penalty of stock, and all payments made thereon, and they shall give notice of the payments thus required, and of the place and time, when and where the same are to be made, at least thirty days previous to the day on which such payments are required to be made, in one newspaper printed in each county in or through which their road is located, and by sending by mail such notice to each stockholder from whom a payment is required, directed to him at his usual place of abode.

*Notice of payment to be given.*

Sec. 9. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of any such company to make a report to the Secretary of State, verified by the oath of any two of such directors, setting forth the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended, the whole amount of toll or earnings expended on such road, the amount received during the year for tolls, and from all other sources, stating each separately, the amount of dividends made, and the amount set apart for a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued.

*Directors to make annual report.*

Sec. 10. Within thirty days after the election of the first board of

Office of co.  
how designa-  
ted.

directors of any such road, the said directors shall designate some place within a county in which such road or some part thereof is to be constructed, as the office of such company, and shall give notice thereof, by publishing the same in a public newspaper published in such county, which publication shall be continued once in each week for three successive weeks, or said notice may be given by filing the same in the office of the county clerk of every county in which any part of such road is constructed, or is to be constructed, and if the place of such office shall be changed, like notice shall be published or filed before such change shall take place, in which notice the time of making the change shall be specified; and every notice, writ, summons, declaration or other process, required by law to be served on such company, may be served by leaving the same at such office with any officer of such company, at any time between nine o'clock, A. M. and noon, and between two and five o'clock in the afternoon, of any day except Sunday.

Service of  
writs, &c. on  
company.

Inhabitants  
of this state  
to have lien  
of \$100.

Sec. 11. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said plank road companies, for all claims and demands not exceeding one hundred dollars, against any of said companies, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such companies.

Directors  
shall cause  
survey, &c.  
to be recorded.

Sec. 12. The board of directors of such company, after the same shall become organized as required by the provisions of this act, shall proceed to cause an accurate survey and description to be made of the route of their road, and of the land necessary to be taken by said company for the construction of such road and the necessary buildings and gates; they shall subscribe such survey and acknowledge its execution, as the execution of deeds is required to be acknowledged, in order that they may be recorded, and they shall cause such survey to be recorded in the register's office of each county through which their road may pass.

Powers of  
directors in  
construction  
of road.

Sec. 13. The route so laid out and surveyed by the said board of directors of such company, shall be the route of such road, and for the purpose of obtaining possession of such route, for the use of said company, the said board of directors shall be clothed with all the powers of commissioners of highways of townships are now required to do in lay-

ing out public highways: *Provided*, that if no agreement for the purchase of the lands so taken, with the owner of the same, can be made by the said board of directors: *And further provided*, That if any lands included in the route of said road shall be owned by an infant, idiot or insane person, having no parent or guardian, or by a non-resident of the state, then and in such case, an application being made by the said board of directors to the judge of probate of the county in which said lands are situated, the said judge of probate shall appoint some competent and suitable person, having no interest adverse to such owner, to take care of the interest of such owner in respect to the proceedings, to lay out and take possession of such route, and the proceedings for settling damages for the land taken for the route of said road, in case no agreement is made therefor, shall be in conformity to the provisions applicable thereunto in chapter twenty-five of the revised statutes, and such company shall pay costs, when by the provisions of said chapter the township would be liable for the same.

Sec. 14. Whenever any plank road company may wish to use any part of a public highway or street, for the construction of their plank road over the same, such company shall apply to the supervisor and commissioners of highways of the township, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, in which said highway or street is situated, for the purchase or release of the same, and it shall be the duty of such supervisor and commissioners or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, to examine at the expense of such company, so much of any such highway or street as may be wanted as aforesaid by such company, and if in the opinion of a majority of such supervisor and commissioners, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, the public interest would not be prejudiced by granting the application of such company, said supervisor and commissioners, or a majority of them, or common council of any incorporated city, or the president and trustees of any incorporated village, as the case may be, may in writing, signed by them, grant to such company a right to enter upon, take and use such highway or street for the purpose of the construction, maintenance and use of a plank road thereon, under the provi-

When and how highways is to be reserved.

sions of the charter of such company, and upon filing such grant in the office of the township clerk of such township, the said company may at once enter upon, take and use such highway or street for all the purposes aforesaid: *Provided*, That nothing herein contained shall prejudice any legal claim for private damages of any person on the line of such public highway or street, by reason of the granting the said highway or street to the use of any such company: *And provided further*, That the amount received by said supervisors and commissioners for granting any such highway to any such company, shall be by them expended in improving the highways or in purchasing the right of way for highways in such township.

*Ibid.* Sec. 15. Whenever any portion of any public highway shall be granted to the use of a plank road company, as aforesaid, any person who shall claim damages by reason of the granting such highway, to such use, as aforesaid, may have such damages appraised within the same time and in like manner as is prescribed by law for the appraisal of damages, on the altering and laying out of public highways: *Provided*, That the same notice shall be given to one of the board of directors, as is required to be given to the highway commissioners; and if any damages be awarded or appraised, the person in whose favor the same is awarded, may bring an action of assumpsit for the recovery of the same against the company, and if in any such action the court shall be of opinion that such person had any legal ground to claim damages against such company, such person shall be then entitled to a judgment for the amount of damages so awarded and legal costs of suit.

Width of  
road, grade,  
and other de-  
scription.

Sec. 16. Every plank road made, shall be laid out at least two, and not more than four rods wide, and shall be so constructed as to have at least sixteen feet width of good, smooth and permanent road, eight feet of which, at least, shall be made of plank not less than three inches thick, and of such grade as not to exceed an ascent or descent on any part of said road, of more than one foot in ten feet, and which roadway shall be constructed so as to permit carriages and other vehicles conveniently and easily to pass each other, and also as to permit carriages readily and easily to pass on and off where such road is intersected by other roads; and no obstruction shall be suffered unnecessarily to remain upon such plank road at any such intersection.

**Sec. 17.** Whenever any such company shall have completed their road, or any five consecutive miles thereof, the directors thereof may erect toll gates and exact tolls from persons traveling on their road, for so much as may be completed, at a rate not exceeding two cents per mile, for any vehicle or carriage drawn by two animals, and one cent per mile for every sled or sleigh so drawn, and if drawn by more than two animals, three quarters of a cent per mile for every additional animal; for every vehicle, sled, sleigh or carriage, drawn by one animal, one cent a mile; for every score of sheep or swine, half a cent a mile; for every score of neat cattle, two cents a mile; and for every horse and rider or led horse, one cent a mile; such toll gates, so to be erected by such company, may be as many in number, and located at such points as such company may deem necessary: *Provided, however,* That any person using such road, may, upon the payment of the requisite amount of toll, demand and receive at any gate a ticket or other evidence that he has paid the toll for the use of the whole or a part of said road, which ticket may be shown by him at each gate through which it may entitle him to pass, and shall be surrendered by him to the toll gatherer through whose gate he is last entitled to pass: *Provided,* That if any person shall forcibly and illegally pass any of the gates provided by this act, he shall forfeit and pay to the said company, a sum not exceeding twenty-five dollars for each and every such offence, to be recovered for the benefit of said company, before any justice of the peace of the county in which such gate is situated: *And provided,* That no farmer shall be required to pay any toll for the use of said road by himself or persons in his employ, engaged in the business of the farm, in passing from one part of the farm to another, with his team or other stock.

When and where gates may be erected.

Rate of toll.

Farmers exempt from toll in certain cases.

**Sec. 18.** Each and every plank road company shall pay to the treasurer of the State of Michigan an annual tax, at the rate of one per cent. on the whole amount of capital paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of such company, and said state tax shall be in lieu of all other taxes upon all the property of said company.

State tax.

**Sec. 19.** Every plank road company shall cease to be a body corpo-

When road  
to be com-  
menced.

rate, if within two years from and after the passage of the act incorporating them, they shall not have commenced construction of their road, and actually expended thereon at least ten per cent. of the capital stock of such company.

Shall com-  
plete within  
10 years.

Sec. 20. If within ten years from and after the passage of the act incorporating them, such road shall not be completed according to the provisions of this act, by any company, then such company shall forfeit all rights to so much of said road as shall not be completed in a continuous line.

Exemption  
of toll.

Sec. 21. Persons going to and returning from military parades, which by law they are required to attend, and persons going to and returning from funerals, shall be exempt from the payment of any toll to any plank road company for such use of their road.

Further sub-  
scription.

Sec. 22. If the entire capital stock of any such company shall not be subscribed at the time first provided for by this act, it shall be lawful for the board of directors of any such company, at any time, to open the books for the further subscription of the capital stock, first giving the notice required in the 4th section of this act.

Duties of di-  
rectors, &c.

Sec. 23. The board of directors of any such company shall have at all times, after the erection of any toll gate or gates upon any plank road, and the exaction of toll thereat, keep such portions of the road in good repairs, and in case of any dilapidation of the superstruction or the breaking or removal of any plank or other portion of the surface of said road, as to endanger the safe passage of any team, animals or vehicles, it shall be the duty of said board of directors, without unnecessary delay, to make such repairs as shall restore said road to its proper condition; and in case said board of directors shall fail to comply with the provisions of this section, they shall for every such neglect or refusal, be liable to a forfeiture of ten dollars, to be recovered in action of debt, by any person aggrieved or injured: *Provided*, That in all cases, one of said board of directors shall first have been notified of any such defect, and the necessary time for its repairs shall have fully elapsed after such notice, and before the commencement of any such suit.

Sec. 24. This act shall take effect and be in force from and after its passage.

Approved March 13, 1848.



No. 63.

AN ACT to provide for the laying out and establishing a certain state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles H. Dewey, S. Callender and Simon D. Barden, be and they are hereby authorized and empowered to lay out and establish a state road from the village of Ceresco, in Marshall, through the town of Convis, to intersect the state road leading from Battle Creek to Bellevue, on the most feasible and eligible route, and file the survey of so much of said road, in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, and it shall be the duty of each township clerk to record the same in the road book of the township.

Com'n's to lay out road.

Sec. 2. That in laying out and working said road, the state shall not be liable for any damages, and the commissioners of highways in each township through which the same passes, shall district the same and cause it to be worked as other highways in such township.

State not liable.

Sec. 3. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding section of this act shall not be laid out in one year from the passage of this act, the provisions herein contained shall be void.

lb.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

No. 64.

AN ACT relative to specific State taxes on plank road, mining, and other corporations, not enumerated in the revised statutes of 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases, when any incorporated company hereafter to be incorporated, is made subject to the payment of a specific state tax, this state shall have a lien on all of the property of said company, to secure the payment of said tax, which lien shall take precedence of all other liens or incumbrances whatever.

State to have lien in cert'n cases.

Sec. 2. The payment of any such tax may and shall be enforced

Tax may be enforced.

according to the provisions of sections seven, eight and nine, of chapter twenty-one of title five of the revised statutes of eighteen hundred and forty-six.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

### No. 65.

AN ACT to lay out and establish a certain state road.

**Comm'rs to lay out road.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hartford Cargill, Ephraim Fletcher and George C. Holmes, be and they are hereby authorized and empowered to lay out and establish a public state road from Flint village, in the county of Genesee, through the township of Gaines, thence on the most direct and eligible route to Byron, in the county of Shiawassee, intersecting the state road at that place.

**Duties of com'rs and of town cl'ks** Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the above mentioned road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and the decision of the said commissioners, in regard to the laying of said road may be appealed from, as in case of the laying out of roads by the highway commissioners of the several townships, and post the notice required by law.

**Duties of highway com'rs.** Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road may pass, to open and work said road in the same manner, and by virtue of the same law as township roads are required to be opened and worked: *Provided*, That the right of way first be obtained of the owners of real estate on the line of said road.

**State not liable.** Sec. 4. The state shall not be liable for any expense incurred or damages sustained, by reason of this act, and in case the road mentioned in the preceding sections of this act, shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 14, 1849.

No. 66.

AN ACT to incorporate the Detroit Merchants' Exchange Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Abbott, Benjamin B. Kercheval, William Brewster, Charles Howard, Z. Chandler, Samuel Lewis, and such other persons as shall become associated with them for the purposes hereinafter expressed, be and they are hereby constituted a body corporate with perpetual succession, under the name of the "Detroit Merchants' Exchange Company."

Corporation created.

Sec. 2. The object of said company being to facilitate and promote trade and commerce, by providing a suitable place for the meeting of persons interested in trade and commerce, and a reading room and library connected therewith, and to promote the convenience and advance the intelligence of the mercantile and commercial classes, said company is authorized to erect in the city of Detroit an edifice, suitable and convenient for the purposes aforesaid, and may acquire, take and hold estate and property, whether real, personal or mixed, not exceeding in amount one hundred thousand dollars.

Its objects & powers.

Sec. 3. The legislature may at any time, by a committee or authorized officer, examine into the transactions and affairs of said company, and for that purpose shall have access to the books and records of said company.

Legislature may examine condition of company.

Sec. 4. Said company shall be subject to all the provisions contained in chapter fifty-five of the revised statutes of Michigan, and shall be subject to be at any time altered, amended or repealed, by the legislature.

And whereas, the Detroit Young Mens' Society may wish to aid in the construction of the building proposed to be erected by said exchange company, with a view to securing in said building, rooms, suitable and convenient for their meetings, lectures, library and reading room.

Sec. 5. That said Detroit Young Mens' Society is authorized to

**Detroit Y. M. S. authoriz'd to take stock** take stock in said Exchange Company, to an amount not exceeding ten thousand dollars: Provided, that no stock shall be so taken by said Society, unless by authority of a vote of said Society, specially called for that purpose, and the object of the meeting being expressed by the notice.

**Fire Depart't similarly authorized.** Sec. 6. That the Fire Department of the city of Detroit may, and is hereby authorized to subscribe and take stock in said Exchange Company, to an amount not exceeding ten thousand dollars.

**Limitation of powers.** Sec. 7. Said company shall not use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purpose than that specified in this act.

Sec. 8. This act shall take effect from and after its passage.

Approved March 14, 1848.

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#### No. 67.

AN ACT to amend title twenty-one, chapter ninety-five of the revised statutes of 1846, and for other purposes.

**Revised statutes amended.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person who has been or shall hereafter be licensed to practice as an attorney and counsellor at law in the supreme court of this State, shall also be entitled to practice as solicitor and counsellor in chancery, in any court in this State.

**Ibid.** Sect. 2. That section fifty, of chapter ninety-five of the revised statutes shall be so amended as to read as follows:

"Sec. 50. No person who has not been licensed as an attorney and counsellor at law of the circuit or supreme court of this State, shall be eligible to the office of a master in chancery."

Sec. 3. Sections twenty-eight and twenty-nine of said chapter ninety-five, and all other acts and parts inconsistent and in contravention of the provisions of this act, are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

## No. 68.

AN ACT to change the name of the village of Florence, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the village of Florence, in the county of Shiawassee, be and the same is hereby changed, and shall hereafter be known as the village of Fremont. Florence  
changed to  
Fremont.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 14, 1848.

## No. 69.

AN ACT to amend chapter twenty-two of the revised statutes of eighteen hundred and forty-six, relative to highways and bridges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty-two of the revised statutes of eighteen hundred and forty-six shall be amended by adding after section fourteen as follows: "If any overseer of highways shall neglect or refuse to warn the residents in his district, liable to do work on the highways, to do such work, as the law requires and his warrant directs, such overseer shall be liable to pay for all the work not so done or commuted for, at the rate of sixty-two and a half cents per day; and it shall be the duty of the commissioners of highways in each township, to prosecute any overseer who may so neglect or refuse to do his duty, before any justice of the peace or any other court of competent jurisdiction, and collect of him what he may be liable to pay under the provisions of this act, unless such overseer shall show satisfactory cause to such justice of the peace or such court, why he should not pay the same: *Provided*, that in all cases where judgment shall be recovered against any such overseer, under the provisions of this section, such overseer shall not be further liable to an action for the penalty incurred by such neglect or refusal." R. statutes  
amended.

Approved March 15, 1848.

## No. 70.

AN ACT to authorize the Commissioner of the State Land Office to convey to Joseph Miller, John Cannon, D. W. Noyes and Loren Andrews certain lands selected for saline purposes.

Com'r to is-  
sue certifi-  
cate to Jo-  
seph Miller.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized to issue to Joseph Miller: certificate of purchase, of and for the north west quarter of section thirty-four in township four north, of range twelve east, the same being a portion of the lands selected by this state for saline purposes, upon receiving from said Miller the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

To Loren  
Andrews.

Sec. 2. The said Commissioner is also hereby authorized to issue to Loren Andrews a certificate of purchase of, and for the south west quarter of section thirty-four aforesaid, upon receiving from said Andrews the minimum price established by law for said land, per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

To J Cannon

Sec. 3. The said Commissioner is hereby authorized to issue to John Cannon a certificate of purchase of, and for the south east quarter of section thirty-four aforesaid, upon receiving from said Cannon the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market, to the date of the certificate to be thus issued.

To D. W.  
Noyes.

Sec. 4. The said Commissioner is also hereby authorized to issue to David W. Noyes, a certificate of purchase, of and for the north east quarter of section thirty-four aforesaid, upon receiving from said Noyes the minimum price established by law for said land per acre, together with the interest upon said amount from the time said lands were offered in market to the date of the certificate thus to be issued.

When deeds  
may be given

Sec. 5. Deeds of conveyance in fee, in the usual form, shall be executed by the proper authorities of this state to the above named grantees, their heirs and assigns, upon the presentation of the certificates hereinbefore required to be issued by the Commissioner of the State Land Office, and thereupon all the agreements, contracts and rights,

whether inchoate or vested, heretofore made, entered into or created and now existing between the said grantees jointly or separately, and any other person or persons, society or corporation, relative to any interest in said lands, or any part thereof, shall have the same force and effect, and be as valid and effectual as if the said grantees, or either of them had been the owners in fee of said lands above described, or any part thereof, at the date of any such agreement or contract, or the accruing of any such right.

Sec. 6. This act shall take effect, and be in force from and after its passage.

Approved March 15, 1848.

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No. 71.

AN ACT relative to the village of Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, the common council of the village of Pontiac shall not have or possess any power to lay out, construct, alter or discontinue any street, highway, lane or alley within the said village, nor to make any assessment or levy any tax for constructing or repairing any street, highway, lane or alley, or any bridge, within the said village, but such streets, highways, lanes, alleys and bridges shall hereafter be subject to the control, management and supervision of the proper township officers of the township of Pontiac, in the same manner, and to the same extent, as the other highways and bridges within said township, and the general laws of this state, relating to highways and bridges in the several townships, shall apply to said streets, highways, lanes, alleys and bridges within the said village of Pontiac, and to the territory and property within said village, liable to assessment for other purposes connected with highways and bridges, reserving, however, to said common council, the power to grade said streets, and to assess the expenses thereof upon the lots adjoining said streets.

Restriction  
of powers of  
com. council  
of Pontiac.

Sec. 2. The said common council of the village of Pontiac shall not hereafter have or possess any power to establish any pound or market<sup>lb.</sup> within said village, nor to levy or to collect any poll tax therein, nor to

levy or collect any other assessment or tax therein, excepting for such sums only as may be necessary for the following purposes, to-wit: for the payment of debts heretofore lawfully contracted by said common council in their corporate capacity; for maintaining and keeping up an efficient fire department in said village; and for fencing and keeping in proper condition such burial ground or grounds as now do or hereafter may belong to the inhabitants of said village, except as provided in the first section of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

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No. 72.

AN ACT to amend chapter twenty-five of the revised statutes of 1846.

R. statutes  
amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty-five, section eight of the revised statutes of eighteen hundred and forty-six, be and the same are hereby amended by striking out in said section, in the third line, all after the word "offered," where it last occurs in the third line, to the word "after," inclusive where it last occurs in the fourth line, and insert the following: "Said commissioner or the person interested may."

1b.

Sec. 2. And further amend said chapter by striking therefrom all of section twenty-seven, and inserting in lieu thereof the following, viz: Whenever a public highway shall have been laid out and established or altered, through any enclosed or improved lands, and the ascertained damages for such highway shall have been paid or tendered to the owner or occupant, or an order on the treasurer of the proper township for the amount of such damages, shall have been executed and delivered or tendered to such owner or occupant, by said commissioners; said commissioners of highways shall then give the owner or occupant of the land through which said road shall have been laid out or altered, notice thereof, and require him to remove his fence or fences, within such time as they shall deem reasonable, not less than sixty days after giving such notice, and in case such own-



er or occupant shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said commissioners shall have full power and authority, and it shall be their duty, to enter with such aid and assistance as shall be necessary, upon the premises, and remove such fence or fences, and open such highway without delay, after the time specified in such notice shall have expired: *Provided*, No person shall be required to remove his fence or fences between the first day of April and the first day of November.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

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No. 73.

AN ACT to amend chapter twenty of the Revised Statutes of eighteen hundred and forty-six, relative to the assessment and collection of taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended by adding to the fourth clause of section eighteen the following: "When any lands have been, or hereafter shall be laid out as a town or village, or as an addition to any town or village, and the same has not been duly recorded in the Register's office of the county, and any one or more of the lots have been, or may be sold by the number thereof according to the plat of said town or village, or addition thereto, such lands laid out as aforesaid may, in the discretion of the assessor or assessors, be assessed in whole or in part, according to the subdivisions as represented on the plat of such town or village, and if such subdivision or parcel be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, such part shall be defined, or it shall be described by its boundaries, or in some other way by which it may be known, and it shall not be necessary to insert the quantity or contents of such lands in the assessment roll."

*R. statutes  
amended.*

Sec. 2. All taxes assessed on any lot or block, or on any part there-

It.

of, in a town or village, or addition thereto, which have been rejected subsequent to the first day of January, eighteen hundred and forty-seven, or which may hereafter be rejected on account of any informality or defect in the execution, filing acknowledgment or recording of the plat of said town or village, or any addition thereto, the boards of supervisors of the respective counties, may cause the same to be reassessed upon the same lots or blocks, or parts thereof, which are respectively chargeable with said taxes as provided by law in other cases of re-assessments, excepting such lots or parts of lots as have been sold since the rejection of said taxes, and all the provisions of law concerning the assessment, collection and return of taxes, and of the sale of the lands chargeable therewith, shall be applicable to the re-assessments made as aforesaid, and to the sales of the lands delinquent in the payment thereof.

Sec. 3. That all acts or parts of acts contravening the provisions of this act, be and the same is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

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No. 74.

AN ACT to incorporate the Copper Falls Mining Company.

Corporation  
created.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George L. Ward, William Ward and Charles Henshaw, and others who shall become associates with them, are hereby constituted a body corporate, by the name of the Copper Falls Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

Capital stock

Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

Sec. 3. The officers of said company shall consist of a president, a <sup>Officers.</sup> board of five directors, including the president, who shall be one thereof, a secretary, and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company, by its by-laws may prescribe: *Provided*, That one of the said directors shall at all times be a citizen and resident of the state of Michigan, upon whom services of all process against said company may be made, and such service shall be deemed a valid service as against the said Copper Falls Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state of <sup>State tax, &c</sup> Michigan an annual tax, at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January, in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which, at any time has been borrowed by said company; and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all state tax upon the real estate of said company, and any investment of any portion of the nett profits of said company, in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

Sec. 5. The Legislature may at any time alter, amend or repeal <sup>Right to repeal.</sup> this act for any violation of the provisions of this charter.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of <sup>1st meeting.</sup> them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Said company shall be subject to the provisions of chapter

**Subject to general laws** fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable and not inconsistent with the provisions of this act.

**Inhabitants of this state to have lien of \$100.** Sec. 8. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Office of co., to be designated and reported.** Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

**Duration of charter.** Sec. 10. This act shall take effect from and after its passage, and shall continue for thirty years from such passage: *Provided*, That nothing herein contained shall be construed to authorize said company to use or exercise any banking power or banking privileges whatever.

Approved March 15, 1848.

### No. 75.

AN ACT to provide for the improvement of the Detroit and Grand River Road.

**10,000 acres land appropriated.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That ten thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the Detroit and Grand River road, between the village of Howell, in Livingston county, and the village of Michigan in the county of Ingham: *Provided*, That six thousand acres shall be expended on that part of the road that lies in the county of Ingham and four thousand acres on that part of the road that lies in the county of Livingston.

**Special comm. authorized.** Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a spe-

cial commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements specified in this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureries to be approved by him, and conditioned for the faithful performance of the work, according to the stipulations of said contract.

His powers and duties.

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

1b.

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner, to pay said contractor for any such services, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the state land office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale, than forty acres.

Contractors, how paid.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and despatch compatible with proper economy and the best interests of state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the

Compensation of comm'rs.

said appropriations hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 15, 1848.

### No. 76.

AN ACT appropriating certain internal improvement lands for the improvement of the Detroit and Saginaw turnpike within the county of Saginaw.

2000 acres of  
land appropri-  
ated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of opening and improving the Detroit and Saginaw turnpike within the limits of the county of Saginaw.

Special commis-  
sioner to be ap-  
pointed.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his station, take and subscribe the constitutional oath of office, and file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Duties of  
com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the improvement of said turnpike, and may superintend the outlay of said appropriation in person, and for that purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said improvements to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting the said commissioner shall advertise the same by an advertisement to be published three successive weeks in the North Star, printed at Saginaw.

Sec. 4. Upon the completion of any such job, and in payment of

the amount stipulated in the contract therefor, and also in payment for <sup>Contractor—  
how paid.</sup> any labor procured, or materials purchased by said commissioner, for the purposes contemplated by this act, such commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands, which said warrants shall be received at the state land office in payment for any such lands, not withheld from sale or otherwise appropriated: *Provided*, The aggregate orders, so drawn by said commissioner, shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 5. Upon the completion of the duties hereinbefore assigned to <sup>Compensation  
of comm'r</sup> said commissioner, he shall be entitled to receive for the time necessarily employed therein, a sum not exceeding two dollars per day, and such compensation shall be audited and allowed by the board of supervisors of the county of Saginaw, at any meeting of said board, upon presentation of the account of said commissioner duly verified by his oath, and shall be raised and paid as other county expenses are by the provisions of existing law.

Approved March 15, 1848.

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No. 77.

AN ACT to incorporate the North Western Mining Company, of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Zina Pitcher, Israel Coe and Samuel T. Douglass, and others who shall become associated with them, <sup>Incorporation,</sup> are hereby constituted a body corporate, by the name of the North Western Mining Company, of Detroit, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan.

Sec. 2. The said company shall have corporate succession; its <sup>Capital  
stock, shares  
thereof, and  
real estate of  
company.</sup> capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers of  
company.

Sec. 3. The officers of said company shall consist of a president of a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said North Western Mining Company, of Detroit.

One director  
to be citizen  
and resident  
of Michigan.

State tax.

Sec. 4. The said company shall pay to the treasurer of the state of Michigan, an annual tax of one per cent. on the whole amount of capital stock actual paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for the purpose the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands, a return to the state treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which [has] at any time been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company; and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the state treasurer hereinbefore required.

Right to re-  
peal.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of the provisions thereof.

First meet-  
ing of corpo-  
ration.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock



appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Lien of inhabitant.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable, and not inconsistent with the provisions of this act.

Corporation subject to chap. 55 rev. statutes.

Sec. 9. The said company shall, within six months after the first election of the officers thereof, by vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Business office to be located and reported.

Sec. 10. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges.

Duration of charter.

Approved March 16, 1848.

# No. 78.

## AN ACT for the improvement of the Paw Paw River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That ten thousand acres of the internal improvement lands of this state, in the lower peninsular, be and the same are hereby appropriated for the improvement of the navigation of the Paw Paw river: *Provided*, That in the outlay of said appropriation, improvements shall be commenced at the mouth of said river, and continued progressively inland upon the course of the same.

10,000 acres int. imp't land appropriated on Paw Paw river.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the

Special commissioner to be appointed.

Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Powers and  
duties of  
such com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, be empowered to make a selection of the lands hereinbefore appropriated, from any of the unappropriated lands as aforesaid, and to report such selection to the commissioner of the state land office, who shall thereupon reserve the same from sale, and shall not thereafter issue a certificate of purchase for any tract or parcel thereof, except upon the order of said special commissioner; and said special commissioner shall have the control and management of the improvements specified in this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for said job or jobs, or any part of said improvements, describing the same; such advertisement to be published four successive weeks in a newspaper published at Niles or Paw Paw.

Letting of  
contracts.

Proviso.

Com'r to  
draw orders  
on Aud. Gen.  
payable in  
land, in favor  
of contrac-  
tors and oth-  
ers, for work.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job or jobs, according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor, according to the terms of his contract, or for any such services, by his order drawn on the commissioner of the state land office, which order shall be received at the land office in payment of any lands appropriated by this act: *Provided*, That nothing herein contained shall authorize the commissioner of the state land office to sell any of said lands at a less price than that now established by law for sale of the internal improvement lands, or to sell a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Accounts &  
compensa-  
tion of spe-  
cial com'r.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all diligence and dispatch compatible with proper economy and the best interests of the state, and shall file

with the Auditor General an account of all services by him thus rendered, verified by his oath, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from said appropriation upon the warrant of the Auditor General, drawn upon the commissioner of the state land office.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 16, 1848.

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No. 79.

AN ACT to organize a certain township.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the township of Clyde, in the county of St. Clair, comprised in town number seven north, of ranges fourteen and fifteen east, together with all that part of the township of Butchville, in said county, comprised in town number eight north, of ranges fourteen and fifteen east, be and the same is hereby set off from said townships and organized into a separate township, by the name of Brockway, and the first township meeting therein shall be held at the dwelling house of Allen Bills, in said township.

Township of  
Brockway  
organized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

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No. 80.

AN ACT to incorporate the Kalamazoo and Three Rivers Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Evert B. Dykeman, Daniel L. Kimberly, D. S. Walbridge, Hiram Arnold and Edward S. Moore, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Three Rivers Plank Road Company, and the

Com'rs to  
open books.

subscribers thereto with such other persons as shall associate with them, for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Kalamazoo and Three Rivers Plank Road Company, with corporate succession.

Route of  
road.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Kalamazoo, in the county of Kalamazoo, on the most eligible route to the village of Three Rivers, in the county of St. Joseph.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of  
charter,

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may, at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of any of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Subject to  
general law.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be deemed a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

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No. 81.

AN ACT to amend the Charter of the City of Monroe, and for other purposes.

Territory set  
off.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the townships of Monroe and Frenchtown as is embraced within the boundaries of the

city of Monroe, be and the same is hereby set off from said townships.

Sec. 2. Said city of Monroe shall be, and hereby is divided into three wards, as follows: "So much thereof as lies south of the centre of river Raisin, and west of the centre of Washington street, and a line formed by protracting the centre of said Washington street, to the centre of said river Raisin, shall constitute the first ward. So much thereof as lies south of the centre of said river Raisin, and east of the first ward as described above, shall constitute the second ward; and so much thereof as lies north of said river Raisin, shall constitute the third ward of said city.

Wards.

Sec. 3. There shall be elected annually in each ward of said city, two aldermen and one assessor, in lieu of those now existing, and for the city at large, one school inspector, to hold his office two years: *Provided*, That at the first election under this act, there shall be two inspectors chosen, one for one year and the other for two years, to hold their offices accordingly, who, together with the clerk of said city, shall be school inspectors of said city.

Officers of  
Wards and  
School In-  
spector.

Sec. 4. That sections one and three of chapter five, and section four of chapter fourteen of the revised statutes, be and hereby are amended by striking therefrom the word "city" wherever it occurs in said sections, and inserting in lieu thereof the word "cities," and by inserting next after the word "Detroit" wherever it occurs in said section, the words "and Monroe"; and that section one hundred and twenty-two of chapter twenty of said statutes be amended by striking from the first line thereof, the word "city" and inserting in lieu thereof the word "cities," and by inserting next after the word "city" in the third line the following: "Of Detroit, and the collector of said city of Monroe;" and that section one hundred and four of chapter sixteen of said statutes be amended by striking out from said section all between the word "chosen" in fifth line and the word "in" where it last occurs in said line, and by inserting next after the word "Detroit" in sixth line, the following: "and four shall be chosen in said city of Monroe."

Rev. statutes  
amended—  
chap. 5, sec's  
1 & 3; chap.  
14, sec. 4;  
chap. 20, sec.  
123; chap. 16,  
sec. 104.

Sec. 5. The assessors of each ward, the school inspectors, justices, constables and clerks of said city shall take the oath, give the bond, perform the duties, receive the compensation, and be subject to the liabilities, as are by law provided for the corresponding officers respectively of the townships of this state.

Officers to  
take oath—  
their com-  
pensation—

Powers of  
common  
council.

Sec. 6. The common council of said city is hereby authorized and required to perform the same duties respecting said city as are by law imposed upon the township boards of the several townships of the state.

Resignations  
& vacancies.

Sec. 7. The provisions of law as to terms of office, resignation, vacancies and classification of township officers, shall apply to the corresponding officers of said city, as near as may be: *Provided*, That the notice of the time and place of the classification of justices required by section fifty of chapter sixteen of the revised statutes, shall be given by the clerk of said city to the justices elected, and the assessors who shall attend to the classification in the manner provided by law.

Duties of Assessors, in relation to canal fund.

Sec. 8. At the time of the annual assessments, said assessors shall keep a separate column on their rolls of the valuations which are or may be required by law, or by the ordinances of said city on account of the canal fund; and shall review and complete their assessments at the time, and in the manner provided by section fifteen of chapter twenty of the revised statutes.

Collection of  
taxes.

Sec. 9. All city and canal taxes in said city shall be collected in the same manner as township taxes, and the proceeding for the return, sale and redemption of the real estate taxed, shall be the same as now as may be, as provided by law relative to townships.

Elections.

Sec. 10. The mode of conducting all state, district and county elections in said city shall be in the manner provided by law for the election of city officers, as near as may be: *Provided*, That the returns thereof by the ward inspectors shall be made to the county clerk, and the same proceedings had as are now provided by law for the return of votes by township inspectors of elections.

Polls of election.

Sec. 11. At the first election under this act, the poll in the first ward shall be held at the office of the city clerk, and the present assessors of said city, and the aldermen residing in the first ward as hereby constituted, shall be inspectors thereof. The poll of the second ward shall be held at the court house, and the two aldermen now residing in said second ward, shall be inspectors, and the poll for the third ward shall be held at the office of A. D. Anderson, Esq., and the two aldermen residing in said third ward shall be inspectors thereof.

Sec. 12. The justices elected at the first election under this act, at

hereby authorized to enter upon the performance of their duties as Justices of the peace. such, as soon as they shall qualify according to law.

Sec. 13. The collector of said city shall pay over to the city treas-Collector.  
urer all moneys received by him to the credit or for the benefit of said city.

Sec. 14. The proper officers of the Mayor's court of said city, are Mayor's court. hereby authorized to summon talismen to set on juries in said court, and empannel new juries in case of disagreement, in the manner provided by law respecting courts of record.

Sec. 15. The townships of Monroe and Frenchtown shall retain Monroe and Frenchtown. their present organization, subject to the alteration of boundaries here-  
in provided ; and the first annual township meeting under this act for First annual meetings. said township of Monroe, shall be held at the school house in school district number three therein ; and the first township meeting for said township of Frenchtown under this act, shall be held at the house of Louis Bertholette, in said township of Frenchtown : *Provided*, That the provisions of law relative to the removal and adjournment of the place of holding such election shall apply to said meetings.

Sec. 16. The common council of said city shall assess the street tax Street tax. of said city at such time as they may deem proper, and thereupon may issue their warrant to the collector for the collection thereof.

Sec. 17. So much of any and all acts as are inconsistent with this act are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after the first day of April next.

Approved March 17, 1848.

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No. 82.

AN ACT for the relief of Asa Pratt.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be, and he hereby is authorized and required to issue his certificate to Asa Pratt for the south west one-fourth of section thirty-three, in town seven north, of range twelve west : *Provided*, The said Asa Pratt shall, within one year from the passage of this act, pay into the office of the said commissioner the sum of two hundred dol-

lars, with the interest which may be due thereon, reckoning from the first day of January, A. D. eighteen hundred and forty, to the time when said money and interest shall be paid to the said commissioner.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

### No. 83.

AN ACT to provide for laying out and establishing a certain state road in the counties of Eaton, Barry and Allegan, and making appropriations therefor.

3 special  
comm'rs ap-  
pointed.

Route of  
road defined.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Willard Davis, of the county of Eaton, Nathan Barlow, Jr., of the county of Barry, and Ezra C. Southworth, of the county of Allegan, be and they hereby are appointed commissioners, with full powers to lay out and establish a state road from the town of Michigan, in the county of Ingham, to Allegan, in the county of Allegan, upon the following route, viz : from said village of Michigan, on the most direct and practicable route to a point in the south line of the township of Oneida; thence following the township line of Oneida, Benton, Chester and Roxand, westerly, to the northwest corner of section four, in the township of Chester; thence on the most direct and eligible route, to the village of Vermontville; thence on the most eligible route to the village of Hastings, in the county of Barry; thence upon the present traveled route, to a point one mile east of the east line of the county of Allegan; thence on the most practicable and feasible route to the village of Allegan, in the county of Allegan.

Duties of  
commis's'ns.

Sec. 2. The said commissioner, residing in the county of Eaton, is hereby authorized and empowered to lay out and establish said road from the town of Michigan aforesaid, to a point in the west line of the county of Eaton, upon the route specified in the first section of this act; and the said commissioner residing in the county of Barry is also authorized and empowered to lay out and establish so much of said road as lies within the limits of the county of Barry, and upon the line in the first section designated; and the said commissioner residing in the



county of Allegan, is also authorized and empowered to lay out and establish so much of said road as lies in the county of Allegan, upon the route in the first section of this act specified: *Provided*, That said road shall be laid in a continuous line, and no part thereof shall be deemed to be laid out or established within a county, until the commissioner thereof shall have filed for record the profile map and field notes, (as provided in the next section,) of the entire line within his county.

Sec. 3. It shall be the duty of each of the above named commissioners to cause an accurate profile map, with the field notes attached, to be made of the entire route, within the limits of their respective counties, and to cause so much of said map and field notes as embrace any portion of a township or touch the boundary line thereof, to be filed for record in the office of the clerk of any such township, in the manner now directed by law for recording public highways.

Profile map and field notes to be filed in office of township clerks.

Sec. 4. To aid in opening and improving the road authorized to be laid out and established by the provisions of this act, there is hereby appropriated four thousand acres of the internal improvement lands of this state, two thousand acres thereof to be expended upon said road in the county of Eaton, one thousand acres thereof to be expended upon said road in the county of Barry, and one thousand acres thereof to be expended upon said road within the county of Allegan: *Provided*, That the labor performed and improvements made on said road in the county of Eaton, by virtue of the expenditures of the said appropriation, shall be divided and expended judiciously throughout the entire line of said road in the county of Eaton.

4000 acres of int. imp. land appropriated.

Sec. 5. The commissioners appointed and named in the first section of this act shall have the management and general supervision, in their respective counties, of the opening and improvement of said road, and the application of the above appropriation for that purpose, and in the execution of the trust hereby confided in them, shall respectively have and possess all the powers of the highway commissioners of the several townships interested by or bounded upon the line of said road, and in the settlement of all the claims for damages by any person interested in lands through which said road may be laid out, shall have authority to make application to a justice of the peace of the proper township, or an adjoining one, for the appointment of appraisers, and the same

Com'mrs to expend appropria- tion, &c.

proceedings shall be had in all respects for ascertaining the amount of such damages, and paying the same, as are now prescribed by law for regulating the action of highway commissioners.

Com'r may  
superintend  
in person or  
let contracts

Sec. 6. The said commissioners, within their respective counties, are hereby authorized to superintend in person the outlay of so much of the above appropriation as falls to the share of their several counties, and for that purpose employ laborers and purchase materials, or they may severally let by contract, to the lowest bidder, such jobs as either of them may deem advisable, upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract: *Provided*, That the public shall be first notified of the time and place of letting any such job or jobs, by an advertisement to be inserted for three successive weeks in a newspaper printed in the same county, or any adjoining county, in case no newspaper is printed in the county where such commissioner may reside.

Com'r to  
draw order  
on aud. gen'l  
in paym't of  
contractors.

Sec. 7. Upon the completion of any such job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by either of said commissioners, for the purpose contemplated by this act, such commissioner may draw his orders upon the Auditor General, for warrants of not less than fifty dollars each, drawn against and payable in internal improvement lands: *Provided*, That the aggregate orders drawn as aforesaid, by either of said commissioners, shall not exceed the amount of land hereinbefore appropriated to his county, at one dollar and twenty-five cents per acre; and that the warrants thus to be issued by the Auditor General, shall be receivable at par by the commissioner of the state land office, in payment for any internal improvement lands, unsold, and not otherwise specifically appropriated, at the time of the presentation of any such warrant or warrants at the said land office.

Commrs to  
take oath &  
give bond.

Sec. 8. The said commissioners, before entering upon the discharge of their duties, shall take and subscribe the constitutional oath of office, and severally execute a bond to the people of this state, with sufficient sureties, conditioned for the faithful discharge of the duties devolved upon them as such commissioners, which said bond shall be approved by the proper county treasurer and filed in his office.

Their com-  
pensation—  
how paid.

Sec. 9. Upon the completion of the duties hereinbefore assigned to said commissioners, they shall severally be entitled to receive for

the time necessarily employed therein, a sum not exceeding two dollars per day, and such compensation, together with the necessary expenses of the survey and making of said road, shall be audited and allowed by the several township boards, and of the townships interested by or bounded upon the line of said road, within said counties respectively according to the pro rata division thereof, made by said commissioners severally, and shall be paid by said townships as other highway expenses are paid by the provisions of existing law.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 17, 1848.

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No. 64.

AN ACT to provide for laying out a State Road in the County of Allegan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Parsons, Hiram Sabin and Nelson Chambers, all of the county of Allegan, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the south east corner of section seven, in township four north, of range ten west, thence on the most eligible route to the south east corner of section sixteen, township four north, of range thirteen west, and thence west on the route of the public highway as laid out by the commissioners of highways of the township of Monterey, to the point of intersection with the Allegan and Holland Colony road.

Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township ; and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded.

To file surveys.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void.

State not liable for expense.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

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No. 85.

AN ACT to incorporate the Pittsburgh and Boston Mining Company of Pittsburgh.

**Corporation created.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Charles Avery, Curtis G. Hussey, Thomas M. Howe and Thomas Bakewell and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Pittsburgh and Boston Mining [Company,] of Pittsburgh, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

**Capital stock** Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into six thousand shares of twenty-five dollars each ; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars.

**Officers** Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided,* That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Pittsburgh and Boston Mining Company of Pittsburgh : *Provided* That until the first annual meeting of the said company after its organization under this act, Charles Avery, Curtis G. Hussey, Thomas M. Howe and Thomas Bakewell, of Pittsburgh, Charles Scudder, of Bos

ton, and George C. Bates, of Detroit, shall be and continue, and they and their successors are expressly constituted directors of said company, and shall have and exercise all the powers, and be subject to all duties and restrictions imposed on the directors to be chosen under this act.

Sec. 4. The said company shall pay to the Treasurer of the state of <sup>State tax, &c</sup> Michigan an annual tax of one per centum on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company; which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January, in each year, or within fifteen days previous thereto, make, under their hands, a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which, at any time has been borrowed by said company; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company, in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Sec. 5. It shall be lawful for the said corporation, whenever they may deem it expedient, to locate, lay down and construct a railroad <sup>Co. may construct rail road.</sup> from their mines to Eagle Harbor, or any other point on Lake Superior which they may deem most eligible as a place of deposit and shipment for their ores, metals and other commodities; and it shall be lawful for them to enter in and upon and occupy any intervening lands for that purpose, and to take and use, dig and carry away such stone and earth or other materials, as may be required for the construction of the said road: *Provided*, That such company shall first obtain the consent of the owner or owners of such lands which they may wish to use for that purpose: *Provided*, That said rail road may also be used for the sole purpose of transportation of metals, ores and supplies, by the North American Mining Company, and the Albion Mining Company, or any other incorporated mining company, on the payment

therefor of such tolls as shall be agreed upon, not exceeding the toll now fixed by the Pontiac Rail Road Company.

**1st meeting.** Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

**Lien of inhabitants of this state.** Sec. 7. Any inhabitant of the state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Subject to general laws** Sec. 8. Said company shall be subject to the provisions of chapter fifty-five, of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

**Office of co., to be designated and reported.** Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

**Duration of charter.** Sec. 10. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, amend or repeal this act, after the limitation thereof, by a two-thirds vote, or any time for any violation of the provisions thereof: *Provided*, That it shall not be lawful for said company to use their funds or any part thereof in any banking or brokerage or exchange, or in buying or selling money or bank-notes, or stocks of any kind, or in any other business, whatever, except that specially provided for by this act.

Approved March 18, 1848.

No. 86.

AN ACT authorizing the laying out a state road from Thorn's Mills, in Lapeer county, to Axford's Mill, in Oakland county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John K. Axford and Milton B. Delano, of Oakland county, and Leonard Russell, of Lapeer county, are hereby constituted commissioners to lay out a state road from Thorn's Mills, in the town of Dryden, in Lapeer county, on the most eligible route, to a point at or near Axford's Mills, in the town of Orion, in Oakland county. Com'rs to lay out road.

Sec. 2. For the purpose of laying out and opening said road, said commissioners shall possess the power now conferred upon the highway commissioners of the several townships through which the said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, they may apply to a justice of the peace of the proper township, or adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided for by law for the settlement of like cases by highway commissioners. Powers of commis'srs.

Sec. 3. The said commissioners shall cause accurate field notes of the survey of said road, or so much thereof as passes through or may be within the limits of each township, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Field notes to be filed.

Sec. 4. That the state shall not be chargeable for laying out and establishing said road, nor for any expenses whatever connected therewith, and this act shall be void as to such road herein mentioned, if not surveyed and laid out within two years from and after the passage of this act. State not liable.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

## No. 87.

AN ACT to amend an act entitled an act to amend an act entitled an act to incorporate the Shelby and Detroit Railroad Company.

*Act amended* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section three of an act entitled an act to amend an act to incorporate the Shelby and Detroit Railroad Company, approved May fourth, eighteen hundred and forty-six, be amended that the same shall read as follows, to wit :

*Sec. 4 as amended.* Section three. Section four of said act is hereby so amended that said section shall read as follows, to wit : "If said company shall, on or before the first day of January, one thousand eight hundred and fifty-four, construct, finish and put in operation the entire line of said railroad, then the rights, privileges and powers of said company under this act shall be null and void as to such parts of said line of road as shall not before said time have been finished and put in operation."

*Annual report of directors.* Sec. 2. On or before the first Tuesday of January in each year, it shall be the duty of the board of directors of said company to report to the Secretary of State, verified by the oath of any two of such directors, the cost of their road, the amount of money borrowed, the amount of all money expended, the amount of their capital stock, and how much paid in, and how much expended ; the whole amount of tolls or earnings expended on such road, the amount received during the year for tolls, and from all other sources, stating each separately ; the amount of dividends made, and the amount set apart for a reparation fund, and the amount of indebtedness of said company, specifying the object for which the indebtedness accrued.

*State tax.* Sec. 3. Said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent on the whole amount of capital paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of such company, and said state tax shall be in lieu of all other taxes upon all the property of said company, and any investment of any portion of the net profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be returned to the State Treasurer accordingly.

Sec. 4. Section twenty-four is hereby so amended as to read as follows :



lows: "The inhabitants of this state shall have a lien upon the property of said rail road company for all claims and demands not exceeding one hundred dollars each, against such company, originally contracted or incurred within this state, which shall take precedence of any other claims or demands, judgments, liens or mortgages against such company."

Sec. 24 amended.

Sec. 5. That the act to incorporate the Shelby and Detroit rail road company, approved March 7, 1834, and all acts amendatory thereto, be amended by striking out the words "Shelby and Detroit rail road company" wherever it occurs, and insert "Detroit, Romeo and Port Huron rail road company," by which name the company shall be hereafter known.

Act amended.

Sec. 6. The said company are authorized to borrow on the bonds of said company, or by mortgage on the said road, or corporate right of said company on such terms as the directors shall deem best, on a credit not to exceed twenty years, such sum or sums of money as the directors may deem necessary, not exceeding two hundred and fifty thousand dollars, for the purchase and laying down on the track of said road an iron rail of such description as the directors may deem the most advantageous: *Provided*, That no bond executed by said company for any such loans be for a less sum than five hundred dollars.

Co. may borrow money.

Sec. 7. This act shall take effect and be in force whenever the holders of a majority of the stock of said company shall make and sign an instrument in writing accepting and assenting to the alterations and modifications of their charter as is hereinbefore provided, and file the same in the office of the Secretary of State.

Co. to accept alterations in writing. &c.

Approved March 18, 1848.

No. 98.

AN ACT to amend chapter twenty-five of the Revised Statutes of eighteen hundred and forty-six, relative to laying out, altering and discontinuing highways.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section four of chapter twenty-five of the revised statutes of eighteen hundred and forty-six, be and the same is hereby so amended as to read as follows:

Sec. 4, chap 25 revised statutes amended.

"Sec. 4. Whenever any ten or more freeholders, residents in any township, shall wish to have a highway in such township laid out, altered, or discontinued, they may, by writing under their hands, make application to the commissioners of highways of the township for that purpose, who shall proceed to lay out, alter or discontinue any such highway, whenever in their judgment the public good will be promoted thereby: *Provided, however*, when said commissioners shall have once decided against the laying out, altering or discontinuing any highway, no second application for the same object shall be entertained by them for the space of one year from the time of making the first application."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

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No. 89.

AN ACT to refund certain highway moneys in the county of Barry.

Duties of co.  
treasurer of  
Barry county

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the treasurer of the county of Barry is hereby authorized and required to transfer to the credit of the several townships, viz: Johnstown, Rutland, Irving and Thornapple, of said county, the unexpended balance of moneys placed to the credit of Albert E. Bull, special commissioner, appointed by the act entitled an act to lay out, establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road, to lay out and expend certain non-resident highway taxes on state road mentioned in said act.

Special commissioner  
appointed.

Powers and  
duties of  
such com'r.

Sec. 2. The said special commissioner is hereby required to pay over to the county treasurer of said county all moneys by him received as special commissioner, on account of the several aforementioned townships, which remain unexpended, and the county treasurer is hereby required to credit the same to the several townships to which it respectively belongs: and in case the special commissioner aforesaid shall neglect or refuse to pay over all moneys, if any in his hands, belonging to said fund, then it shall be the duty of said county treasurer

in his own name, to sue for and recover the same, with costs of suit, before any court having competent jurisdiction.

Sec. 3. And it shall further be the duty of said county treasurer, to pay the township treasurer of the several townships, as contemplated by this act, all such moneys as shall be placed to their credit, respectively, to be appropriated and expended by the highway commissioners, in the same manner as other non-resident highway taxes are directed by law to be expended. Duties of co. treasurer.

Sec. 4. The law requiring the collection and return of non-resident highway taxes, in the act entitled an act to lay out and establish and provide for the construction of a state road from the village of Battle Creek, through the village of Hastings, to intersect the Grand River and Kalamazoo road, so far as regards the townships aforesaid, be and the same is hereby repealed. Act repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 18, 1848.

#### No. 90.

AN ACT to establish a state road from the village of Lexington, in the county of St. Clair, to the eastern boundary of the county of Lapeer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Clark M. Mills, James L. Smith and Randal E. Davis, of the county of St. Clair, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Lexington, in the county of St. Clair, to the eastern boundary line of the county of Lapeer, upon the most direct and feasible route. Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township; and it is hereby made the duty of the township clerks in the said townships, to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded. To file surveys.

State not lia-  
ble for ex-  
pense.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void.

Approved March 18, 1848.

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No. 91.

AN ACT to vacate an alley in the village of Albion, Calhoun county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the alley in block thirty-four, in the the village of Albion, in the county of Calhoun, be and the same is hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

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No. 92.

AN ACT to authorize F. G. Hubinger and A. Cramer to erect and maintain a Dam across the Cass River, in the County of Saginaw.

Dam author-  
ized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for F. G. Hubinger and A. Cramer, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark across the Cass river on section twenty-seven, in town eleven north, of range six east, in Saginaw county.

Owner to  
construct  
lock, &c.

Sec. 2. The owner or occupant of said dam shall construct therein or thereat, a convenient lock, at least eight feet in length and eighteen feet in width, for the safe passage of boats, canoes, rafts and other water craft, whenever the county court of said county shall order the same to be done upon good cause shown.

Trespass on  
dam.

Sec. 3. Any person who shall destroy or otherwise injure said dam shall be deemed to have committed a trespass on the owner or owners thereof, and shall be liable accordingly; but nothing in this act con-

tained shall be construed to affect the rights of individuals who may be injured by reason of the erection or continuing said dam.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

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No. 93.

AN ACT to amend section twenty-three, chapter fifty-eight of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section twenty-three of chapter fifty-eight of the revised statutes, be amended by inserting in line eight of said section, between the words "of" and "agricultural," the following words, viz: "astronomy, natural philosophy, and."

Approved March 20, 1848.

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No. 94.

AN ACT to improve the main traveled road from Hastings, in Barry county, to Battle Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement land be and the same are hereby appropriated for the purpose of improving that part of the main traveled road leading from Hastings in Barry county, to Battle Creek in Calhoun county, which lies in the county of Barry: *Provided*, That the right of way to the public shall first be obtained.

2000 acres  
int imp. land  
appropriat'd.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who may make a selection of the lands herein appropriated, and report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon due order of the special commissioner: *Provided*, That the said special commissioner shall first take and subscribe the constitutional oath

Special com-  
missioner.

of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner: *Provided, also,* That said commissioner shall receive no pay or compensation for selecting said lands.

Powers of  
com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of the improvement of the road specified in this act, and shall have power to let out by contract the building of any bridges on the said road, and working the same, to the lowest bidder, who shall execute and deliver to said special commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the said contract: *Provided,* That before the letting, the said commissioner shall advertise for proposals for the constructing any such bridges as may be necessary on the line of said road, and the opening and working of said road, in separate sections, describing the same, by posting up notices in three of the most public places in each of the townships through which such road passes, for at least three weeks previous to the letting of said contract.

Contractors  
and work-  
men, how  
paid.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said commissioner to pay said contractor, according to the terms of his contract, or for any such service, by his order drawn on the Commissioner of the State Land Office, payable in lands only, which order shall be received at the land office in payment for any lands selected and reserved from sale by the second section of this act: *Provided,* That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said land at a less price than that now established by law for the sale of the internal improvement lands, or in less quantity, in any one certificate of sale, than the usual legal subdivision of said lands: *Provided,* That said commissioner shall not be authorized to draw warrants for any more lands than are appropriated by this act.

Compensa-  
tion of spec-  
ial com'r, his

Sec. 5. Such special commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch

compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding one dollar and a half per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be received by the Commissioner of the Land Office for any of the lands selected and reserved from sale by virtue of section two of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 20, 1848.

### No. 95.

AN ACT appropriating certain internal improvement lands for opening and improving the road from Corunna to the forks of Bad River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of internal improvement lands in the lower peninsula of this state be and they are hereby appropriated for the purpose of opening and improving the road leading from Corunna, in the county of Shiawassee, to a point at or near the forks of Bad river, in the county of Saginaw.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who may make a selection of the lands hereinbefore appropriated, and report such selection to the Commissioner of the State Land office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof, except upon the order of said special commissioner: *Provided*, That nothing shall be paid to such special commissioner for making the selection of the lands hereby appropriated.

Sec. 3. The said commissioner shall, by virtue of his appointment, have the control and management of the improvements in this act

acc't audited  
by Aud.  
Gen'l.

7000 acres  
int imp. land  
appropriat'd  
on road.

Spec'l com'r  
to be ap-  
pointed.

Duties of  
com'r.

specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for contracting said work, such advertisement to be published for three successive weeks in a newspaper published in the county of Shiawassee, if any newspaper shall be published in said county, and if not, then by posting up written notices of the same in seven of the most public places in said county.

Powers of  
com'r.

Sec. 4. For the purpose of laying out, opening and improving said road, the said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road runs or shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said commissioner may lay said road, he may apply to a justice of the peace of the proper township or an adjoining one, for the appointment of three appraisers, and the same proceedings shall be thereupon had, in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Profile map  
to be filed.

Sec. 5. The said commissioner shall cause an accurate profile map and field notes of the survey of said road, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record the same in the manner now provided by law for public highways.

Compensation  
of com'r and  
audit of his  
acc't, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interests of the public, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a presentation to him of a bill of such services, sworn to be a true bill and account of the services performed by said commissioner, and that the same was necessary in the proper expenditure of said appropriation; and upon the auditing and allowing such bill, the Auditor General shall draw his warrant to said commis-



tioner, payable in internal improvement lands, for the amount so audited and allowed, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment for such lands as may be reserved by this act from sale.

Sec. 7. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured, or materials purchased by said commissioner, for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands, reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold.

Payment of  
contractors  
and others.

Sec. 8. Said special commissioner, before entering upon the duties of his station, shall take and subscribe the constitutional oath of office, and file a bond with the Auditor General, with sureties, to be approved by him, conditioned for the faithful discharge of his duties as such commissioner.

Comm'r to  
take oath &  
file bond.

Sec. 9. In case of a vacancy in the office of said commissioner, by the death, resignation or refusal to act as said commissioner, before the said appropriation shall be expended, it shall be the duty of the Governor to fill such vacancy, and the person appointed to fill such vacancy shall, before entering upon the duties of his office, take the oath of office and file his bond, as required by this act.

Vacancy.

Sec. 10. Said commissioner shall not draw orders for more land than is appropriated and reserved in pursuance of this act.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved March 21, 1848.

#### No. 96.

AN ACT making an appropriation for the improvement of the canal and navigation at the river Raisin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby is appropriated, out of the internal improvement lands of this state, situate in the lower peninsula, five thousand acres, to aid in improving the na-

5000 acres  
int. imp. land  
appropriat'd

vigation of the river Raisin and canal, in the township and county of Monroe.

Com. Council of Monroe to select said lands, & upon such selection conveyance to be made to said council.

Sec. 2. Full power and authority are hereby vested in the common council of the city of Monroe, to select the lands hereby appropriated and upon the certificate of the said common council, of the selection of said lands or any portion of them, and of the description thereof, to the Commissioner of the State Land Office, or to the proper officer. Such commissioner or officer shall thereupon convey said lands to said common council, for the purposes aforesaid; and whenever the title in said lands shall become vested in said common council, the said common council shall have power and authority to sell and convey the same or any part thereof, and apply the proceeds of such sale to improve the navigation of the river Raisin and canal aforesaid, and for no other purpose: *Provided*, That no portion of said land shall be sold at a less sum than one dollar and twenty-five cents per acre. *And provided further*, That before said land or any portion thereof shall be sold, as provided in this section, the common council aforesaid shall cause to be executed to the people of this state, a bond in a sufficient penalty, and with good and sufficient sureties, to be approved by the Auditor General, conditioned for the faithful appropriation and application of said lands, or the proceeds thereof, to the objects specified in the first section of this act; said bond to be filed in the office of the Auditor General within sixty days from the passage of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

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No. 97.

AN ACT authorizing Alexander McLeod to construct a Canal from the River Cheboygan to Lake Huron.

Canal authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alexander McLeod, his heirs and assigns are hereby empowered to construct a canal from the dam built by said Alexander McLeod on said river, to a bay on Lake Huron; the said canal not to exceed two miles in length, to be at least four feet in

depth, and to be furnished with a lock or locks sufficiently large to allow boats or vessels drawing four feet of water to pass.

Sec. 2. Should said canal run through the lands of any individual, the right of way shall first be procured by the said Alexander McLeod. Right of way

Sec. 3. The said Alexander McLeod is hereby authorized and empowered to build his said dam so as not to exceed eight feet in height above common low water mark. Height of dam.

Sec. 4. The said canal to be completed in three years from the passage of this act; and the use of said canal, from and after its completion, to be at all times free of charge. Time for completion.

Sec. 5. So much of the act entitled an act authorizing Sandy McLeod to build a dam across the Cheboygan river, in the county of Cheboygan, as requires the said Sandy McLeod to construct a lock at said dam, shall be repealed from and after the completion of the canal and lock or locks as contemplated in this act. Act amended

Approved March 22, 1848.

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No. 98.

AN ACT to extend the limits of the township of Ionia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That sections twenty-two, twenty-seven, and thirty-four, in township number seven north, of range number six west, and also so much of said township as lies north of the centre of Grand River, now belonging to the township of Lyons, be and the same is hereby attached to the township of Ionia; also, so much of township number seven north, of range number six west, as is now attached to the township of Berlin, be and the same is hereby attached to the township of Ionia. Lands attached to township of Ionia.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

## No. 99.

AN ACT to amend an act entitled "an act relative to Plank Roads," approved March thirteenth, eighteen hundred and forty-eight.

*Act amended* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, be and the same is hereby amended by inserting between sections twenty-three and twenty-four of said act, to stand as section twenty-four, the following :

*Ibid.* Sec. 24. Every plank road company hereafter incorporated shall at all times permit any person, with any team, animal, or otherwise paying toll as aforesaid, to travel upon the road and through the gate of such company without unnecessary hindrance or delay, and for every offence against the provisions of this section by said company or any agent or person in its employ, said company shall forfeit and pay a penalty not less than five nor more than fifty dollars, to be recovered by the party aggrieved before any court having jurisdiction thereof.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1848.

## No. 100.

AN ACT to incorporate the Detroit and Saline Plank Road Company.

*Com'rs to receive sub-  
scriptions to  
cap. stock,  
&c.* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Ledyard, Shubael Conant of Detroit, and John W. Vancleve, Mark Morris, Walter B. Hewitt, of Ypsilanti, D. S. Haywood, of Saline, and William S. Maynard, of Ann Arbor, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Saline plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Saline plank road company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay <sup>Line of road.</sup> out, establish and construct a plank road, and all necessary buildings, from the city of Detroit, in the county of Wayne, to the village of Saline, in the county of Washtenaw, by the way of Ypsilanti, with the privilege of constructing a branch from the village of Wayne, to the village of Schwarzburg, in the county of Wayne, and also from the village of Ypsilanti to Ann Arbor, in the county of Washtenaw.

Sec. 3. The capital stock of said company shall be one hundred <sup>Amount of capital.</sup> thousand dollars, in four thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty <sup>Duration of charter, right of repeal, &c.</sup> years from and after its passage, but the legislature may at any time, alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested: *Provided*, There be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank <sup>This act subject to general plank road law.</sup> roads, approved March 13, 1848, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved March 23, 1848.

### No. 101.

AN ACT to amend an act to incorporate the village of Grand Rapids, approved April fifth, eighteen hundred and thirty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all after the enacting clause of <sup>Act amended.</sup> section one of an act entitled "an act to incorporate the village of Grand Rapids," approved April fifth, eighteen hundred and thirty-eight, be stricken out, and the following inserted, viz: That all that tract of country situated in the township of Grand Rapids and county

of Kent, embraced within the following bounds, to wit: beginning at the fractional corner, on the east bank of Grand river, between sections twenty-five and thirty-six, township seven north, of range twelve west, thence east along the line between said section, and between sections thirty and thirty-one, town seven north, range eleven west, to the middle of the south boundary of the west half of the southeast quarter of section thirty, town seven north, range eleven west, aforesaid, thence north to Cold brook, thence along the north bank of said Cold brook to the east bank of Grand river, thereon along said bank at the low water mark, thence to the place of beginning be and the same is hereby constituted a town corporate, by the name of the "village of Grand Rapids."

*Ibid.*

Sec. 2. That all of section four of said act, down to and including the word "abilities," in the seventh line, as printed, be stricken out, and the following inserted in lieu thereof: "Each one of the trustees, before he enters upon the duties of his office, shall take an oath or affirmation, which oath or affirmation may be administered by any justice of the peace, to support the constitution of the United States and the constitution of this state, and that he will faithfully and impartially discharge the duties of the office of trustee of said village, according to the best of his abilities, and file the same with the clerk of the board.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 23, 1848.

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No. 102.

AN ACT to appropriate certain Internal Improvement Lands for the purpose of improving a State Road from Battle Creek, in the county of Calhoun, through Bellevue and Charlotte, in the county of Eaton, to Michigan, in the county of Ingham.

5000 acres  
int. imp land  
appropriat'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving a state road from Battle Creek, in the county of Calhoun, through Bellevue and Charlotte, in the county of Eaton, to Michigan, in the county of Ingham.

Sec. 2. For the purpose of carrying into effect the provisions of <sup>Spec'l com'r to be appointed.</sup> this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall, in virtue of his appointment, have the control and management of the said improvement in this act specified, and shall superintend, in person, the outlay of the above appropriation, and for that purpose may employ laborers, purchase materials, and let by contract to the lowest bidder, such jobs as he may deem advisable, upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract: *Provided*, That public notice of the time and place of such letting be first given, by publishing the same for three successive weeks in the newspapers published in Battle Creek and Michigan.

Sec. 3. Upon the completion of any job, and in payment of the <sup>Payment of</sup> amount stipulated in the contract therefor, and also in payment for <sup>contractors and others.</sup> any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, such commissioner may draw his orders upon the Auditor General, who shall issue warrants thereon drawn against and made payable in internal improvement lands: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 4. The warrants thus issued by the Auditor General, as aforesaid, upon orders drawn by said commissioner, as aforesaid, shall be <sup>Warrants payable in land.</sup> receivable at par in payment for any internal improvement lands unsold and not otherwise specifically appropriated, at the time of the presentation of any such warrants at the state land office.

Sec. 5. The said commissioner, before entering upon the discharge of his duties, shall take and subscribe the constitutional oath of office, <sup>Comm'r to take oath & file bond.</sup> and execute a bond to the people of this state, with sufficient sureties, conditioned for the faithful discharge of the duties devolved upon him as such commissioner, which said bond shall be approved by and filed in the office of the Auditor General.

Sec. 6. The said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and despatch <sup>Comptroller of com'r and audit of his acct, &c.</sup> compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day, for the time necessarily employed by him in the discharge of the

duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services rendered by him, verified by his oath, who shall thereupon issue his warrant for the amount drawn against and payable in internal improvement lands included in the above appropriation.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

### No. 103.

AN ACT appropriating certain internal improvement lands for the improvement of a state road in the counties of Livingston and Genesee.

**2200 acres  
that imp land  
appropriat'd**  
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands belonging to this state, be and the same are hereby appropriated for the purpose of opening and improving a state road leading from the village of Brighton in the county of Livingston to Fentonville in Genesee county; also, a further appropriation of one thousand acres is hereby made for the improvement of the said state road between the villages of Fentonville and Flint, in said county of Genesee.

**Special com-  
missioner  
appointed.**  
Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned to the faithful discharge of his duties as such commissioner.

**Power of  
com'r.**  
Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements contemplated by this act, and shall have power to let out by contract the working and improvement of said roads to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in said contract: *And*



ded, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same ; such advertisement to be published at least four successive weeks in a newspaper published in the counties of Livingston and Genesee, respectively.

Sec. 4. Whenever any contractor, under the preceding section of <sup>Payment of</sup> this act, shall have finished his job according to the terms and speci- <sup>contractors,</sup> fications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, and which warrants shall be received at the land office in payment for any internal improvement lands belonging to the state, not otherwise appropriated : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in less quantity in any one certificate than forty acres.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with the diligence and dispatch that shall be compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath ; and the Auditor General shall issue his warrant drawn against and payable in internal improvement lands for such amount, to be included in the appropriation by this act. <sup>Compensation of special com'r, his acc't audited by Aud. Gen'l.</sup>

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 23, 1848.

## No. 104.

AN ACT to regulate the first township election in the township of Grosse Pointe, in the county of Wayne, and for other purposes.

1st township  
election of  
Grosse  
Pointe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That at the first township election to be held in the township of Grosse Pointe, in the county of Wayne, the electors present may choose viva voce, any three of their number, who shall constitute the inspectors of such election during the continuance thereof; and such inspectors shall appoint some competent person as clerk of such election; and such clerk and each of such inspectors shall, before entering on their duties, take the constitutional oath of office, which oath may be administered by either of the inspectors; and said inspectors and clerk shall be subject to the general provisions of law relating to the inspectors and clerk of township elections.

Act repealed

Sec. 2. An act entitled "an act to authorize the polls to be opened at two places in the township of Hamtramck," approved May twelfth, eighteen hundred and forty-six, is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 24, 1848.

## No. 105.

AN ACT authorizing Marcus S. Stone to convey certain Real Estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Marcus S. Stone be, and he is hereby authorized to execute a deed or deeds, in due form of the following described premises, to wit: the south east quarter of the north east quarter of section thirty-five, in township five south, of range two west, to any person or persons who may purchase the whole or any part thereof; and any such deed or deeds duly executed and recorded, shall be deemed to convey and assure to the grantees therein named, their heirs or assigns, forever, the full and sufficient legal title in and to the aforesaid premises, for all intents whatever.

Sec. 2. Before the said Marcus S. Stone shall sell the premises above described, and execute any deed or deeds therefor under the provisions of this act, he shall execute and deliver to the judge of probate of Hillsdale county, a bond, in such penalty as said judge shall direct, conditioned that he, the said Marcus S. Stone, will faithfully account for and pay over to said judge of probate, for the benefit of the widow and heirs of William Stone, deceased, the money received for the premises aforesaid, who is hereby authorized to divide the same among the parties interested, according to their legal interests therein: *Provided*, That no sale by said Marcus S. Stone shall be valid or binding unless the said judge of probate shall endorse upon the deed or deeds to be executed his approval of such sale.

Approved March 24, 1848.

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No. 106.

AN ACT to amend "an act incorporating the Pittsburgh and Boston Mining Company of Pittsburgh."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That "an act incorporating the Pittsburgh and Boston Mining Company of Pittsburgh," be so amended as to insert the word "company" after the word "mining," in the first section of said act. Act amend'd

Sec. 2. This act shall take effect from and after its passage.

Approved March 24, 1848.

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No. 107.

AN ACT to organize a School District from portions of the counties of St. Clair and Macomb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following described pieces and parcels of land be set off and constituted into a school district, to wit: commencing at a point on Lake St. Clair, in the county of St. Clair, where the north-east side of tract number six hundred and four, Boundaries of school district defined.

teen intersects the lake ; thence north, forty-one degrees west, on said north-east side of the aforesaid tract until it intersects the east line of Macomb county, in section twelve, township three north, of range fourteen east ; thence west on the east and west quarter line through the centre of said section twelve, and so far into section eleven as to include the east half of the south-east quarter of said section eleven ; thence south through sections eleven and fourteen, and so far into section twenty-three as to include the north half of the south-east quarter of said section twenty-three ; thence east to Lake St. Clair, in the county of Macomb ; thence by the centre of said lake to the place beginning.

**Lake district** Sec. 2. The inhabitants residing within the limits aforesaid, shall be and they are hereby constituted a school district, to be known and designated as Lake District, and they shall have and possess the same power to meet and elect officers, under the direction of the school inspectors of either of the townships embracing said district or any part thereof, whose duty it shall be to issue their warrant to some taxable inhabitant, directing him to notify the inhabitants of said district of the first meeting for the election of officers, in the same manner as other districts are organized under existing laws.

**Powers and privileges of said district.** Sec. 3. And the said district when thus organized, shall have, possess and enjoy, all the privileges, powers and immunities enjoyed or possessed by other school districts of this state, for the purposes of purchasing or leasing a site for a school house, levying and collecting moneys for the erection of the same, to hire teachers, and do all and singular, the necessary acts and duties to maintain a common school in said district, which the officers and inhabitants of school districts organized under existing laws may of right do.

**Duties of district officers.** Sec. 4. The officers of said school district shall report the scholars in the said district to the proper officers of said respective towns, embracing the same, in the same manner, as near as may be, as is now required by law where districts are organized out of parts of different townships, and the clerk of the board of school inspectors shall report to the county clerk of the county in which the school house is situated, and shall apportion the public money to said district according to the number of scholars therein, in the same manner, as near as may be as is now required by law for school districts situated in the same county.

Sec. 5. All moneys voted by said school district, and certified by the proper officers thereof to the respective supervisors in the townships in which said school district is in part situated, shall be assessed by the said supervisors, and collected by the several collectors of said townships, in the same manner as other school taxes are assessed and collected, and when so collected shall be paid over to the proper district officer, by the respective treasurers of the townships in which said district is situated, as other school taxes are collected and paid.

Mode of assessing and collecting school taxes.

Sec. 6. All public moneys belonging to said district shall be drawn out and apportioned thereto by the school inspectors of each township in which said district is in part situated, in the same manner, as near as may be, as they are now required by law when a school district is organized in part in different townships.

Apportionment of public moneys.

Approved March 25, 1848.

No. 106.

AN ACT to incorporate the village of Mackinac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the citizens of this state, inhabitants of the island of Michilimackinac, be, and the same are hereby ordained, constituted and declared to be, from time to time forever hereafter, one body corporate and politic in fact and in name, by the name of "the president, trustees and citizens of the village of Mackinac," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleaded and being impleaded in all suits of what nature soever, and also to purchase, hold and convey any estate, real or personal, and may have a common seal, and may change and alter the same at pleasure, and shall be citizens of said village.

Inhabitants of island of Michilimackinac incorporated.

Sec. 2. There shall be a meeting of the citizens of said village holden annually, on the first Monday of October, for the purpose of choosing officers of said village, and that the officers chosen at such meeting shall continue in office until the expiration of the month of October then next, or until others shall be chosen and qualified in their stead.

Annual village meeting

**Village officers.**

Sec. 3. The citizens of said village, in legal meeting assembled, shall annually choose a president, two trustees, a clerk, a treasurer and a marshal, all which officers shall be chosen by ballot, and on each ballot which shall be given in shall be written the name of the person for whom the same is given, and such ballot shall, by the person giving the same, in the presence of the president and trustees, or such of them as are present at such meeting, be put into a proper box for the purpose by the said village to be provided, and when the citizens present at any such meeting shall have had a reasonable time to give in their ballots, the president, or in his absence the senior trustee present in the presence of the meeting, shall open the box, sort and count the ballots, and the person who shall have a majority of the ballots given in, shall, by the marshal, or in his absence by the junior trustee present, be declared to be elected, and no ballot be received after the box shall have been opened.

**Levying of taxes.**

Sec. 4. The citizens of said village, in legal meeting assembled shall have power to levy taxes on the polls and estate within the limits of said village, and on transient traders, for such purposes as said village shall think proper.

**Duties of marshal.**

Sec. 5. The marshal shall be the collector of such taxes, and as a case of fines, is hereby authorized and required to collect and pay over to the treasurer all such sums of money as shall be levied for the use of said village, within three months from the time of his receiving a warrant from the president therefor, and the treasurer's receipt shall be his voucher upon his settlement with the president and trustees, which shall be, when thereunto by them required, at the expiration of the three months as above. The marshal shall give ten days' notice before he makes distress for the collection of any tax, and if the tax on any lot on which no personal property can be found, shall remain unpaid two months after the expiration of the three months aforesaid, the said marshal shall give notice by advertisement in five of the most public places in said village, of the amount of such tax, and the number (or other description) of the lot or lots on which it is due, and if such tax shall not be paid within two months after the date of such advertisement, the marshal in such case may proceed to sell so much of said lot or lots as will discharge the same. The marshal and treasurer shall, before they enter upon the duties of their offices, give bond

with sureties to the president and trustees and their successors in office, (which bond with sureties to be approved by said president and trustees,) conditioned for the faithful discharge of the duties of their respective offices. The treasurer shall pay over all moneys by him received for the use of the village to the order of the president and trustees, and shall, when required, submit his books and vouchers to their inspection.

Duties of treasurer.

Sec. 6. The president and trustees are hereby empowered to lay out new highways, streets and public walks, for the use of said village, and to alter those already laid out in said village, and to exchange highways for highways, or to sell highways, for the purpose of purchasing other highways, taking, in all respects, the same measures as are or may be directed by the laws of this state, as near as may be; and the party aggrieved by the laying out of such street or highways, may have the same remedy by application to the county courts, or otherwise, as is or may be provided in case of other highways; whenever such highways, so laid out by said president and trustees may become unnecessary for public use, they may be discontinued by said president and trustees.

Power and duties of president and trustees.

Sec. 7. The president and trustees, or a majority of them, shall have power to make by laws relative to the markets and commerce within the limits of said village; relative to streets and highways of said village; relative to nuisances within said village limits; relative to wharves, channels, anchoring and mooring of vessels; relative to trees planted for shade, ornament, convenience or use, public or private; relative to the fruit of such trees; relative to trespasses committed in gardens; relative to walks and buildings, public and private; relative to the sweeping of chimnies, and preserving said village from injury by fire; relative to warning meetings of said village, and of said president and trustees, and the times and places when and where they shall be holden; relative to the mode of taxation, as to taxes to be levied in said village; relative to the penalties to be incurred by those who, being chosen to office, shall (not being excused by said village) refuse to serve; relative to the burial of the dead; relative to public lights and lamps; relative to restraining horses, cattle, sheep, swine, or any geese from going at large within the limits of said village; and to establish penalties for the breach of said by-laws: *Provided, however,*

Ibid.

that such penalties shall, in no case, exceed the sum of twenty-five dollars for one offence ; and said penalties shall be payable to the treasurer, or to such other person as the by-laws shall direct, and be recoverable by action of debt, to be brought before any justice of the peace resident within said village, or before any other competent authority : *Provided, however,* That no by-laws of said village shall be repugnant to the laws of this state; *And provided also,* That all the by-laws, made by said president and trustees, shall be published by advertisement, set up in the most public place within said village, (or in some newspaper printed therein,) at least three weeks successively, before the same shall be of any validity.

Power and liabilities of marshal defined.

Sec. 8. The marshal shall, within the limits of said village, and on the waters of the same, have the same powers, authorities and privileges, and be liable to the same suits or penalties for neglect of duty, in any case whatever, to all intents and purposes, as constables by law have and are ; and shall execute all lawful precepts to him directed, whether issued by virtue of the by-laws of said village or by the laws of the state, within his said described limits.

Grants and leases by village.

Sec. 9. All grants or leases of real estate belonging to said village, signed by the president of said village, and sealed with the village seal, and approved by said village in legal meeting assembled, shall be good and effectual in law, to convey the estate intended to be conveyed by such grant or lease : *Provided,* The same is recorded in the records of said village ; and that said village shall have power to appoint in-

Inspectors of produce to be appointed

spectors of every kind of produce brought to said village for sale or exportation ; and the votes or choice of a majority of the citizens present at any legal meeting, shall be considered in all cases the vote or choice of said village ; and the said village shall have power, in legal meeting assembled, to choose all other officers not enumerated in this act, which shall be necessary to carry the by-laws of said village into execution.

Village officers to take oath of office

Sec. 10. The president, trustees, clerk, treasurer and marshal of said village, and inspectors of produce brought to said village for sale or exportation, shall severally take and subscribe the oath prescribed by the constitution of this state, within five days after they may respectively receive a notice of their election, which oath may be administered by any person qualified to administer such oaths by the laws of this state.



Sec. 11. Whenever the president or any other officer of said village shall resign, or be removed by death or otherwise, another shall be chosen and sworn in his stead; and the president of said village, or in his absence, the senior trustee present at any meeting of said village, or of said president and trustees, shall be ex-officio moderator thereof; and the meeting of said village may from time to time be adjourned by a majority of the citizens present; and the said village may at any time hold special village meetings, whenever, in the opinion of the president and trustees, or a majority of them, the circumstances of the village require it.

Sec. 12. Whenever any action or suit shall be commenced against said village, process against said village may be served by leaving a copy of such process, attested by the proper officer, with the clerk of said village, or at his usual place of abode therein, whose duty it shall be to inform forthwith, the president and trustees thereof; and it shall be the duty of the clerk to make and keep a just and perfect record of all and every law and ordinance made and established by said village, and of all corporate proceedings thereof; and the record so made by the clerk shall at all times be open to the inspection of any citizen of said village, and the president and trustees of said village are hereby authorized to fix and establish such fees to the clerk, treasurer, marshal, and other officers of said village as to them shall seem necessary and proper.

Sec. 13. The first meeting of the citizens of said village shall be holden on the first Monday in June next, at the court house in said village, at one o'clock in the afternoon, for the choice of a president and two trustees, clerk, treasurer and marshal, and to transact such other business as may be necessary; a copy of this paragraph of this act, duly certified and published in three public places within said village, at least five days before the said first Monday of June next, shall be a legal warning of the citizens of said village to attend said first meeting; and the officers chosen at such meeting shall continue in office until the expiration of the month of October next, unless others are sooner chosen and qualified in their stead. At said first meeting a moderator and clerk shall be chosen, who shall see that the election is duly conducted and certified.

Sec. 14. The act entitled "an act to repeal the charter of the bor-

**Act repealed  
Act.** ough of Michilimackinac," approved March 16, 1847, is hereby repealed, and all the real and personal property heretofore belonging to said borough shall revert to and be invested in said village, as fully and amply as if the last recited act had not passed; and the treasurer of the township of Holmes shall deliver to the treasurer of said village, as soon as he is elected and qualified, all the money heretofore received from the treasurer of said borough; and the township clerk of the said township of Holmes shall deliver all the books and papers belonging to said borough to the village clerk, as soon as said village clerk may be elected and qualified.

**Penalty.** Sec. 15. If the treasurer of said township of Holmes shall refuse to pay over to the treasurer of said village the money aforesaid, on lawful demand, he shall incur a penalty of fifty dollars, and shall be liable to be prosecuted in the same manner as other persons holding money in a fiduciary capacity.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 25, 1848.

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No. 109.

AN ACT to exempt a Homestead from forced sale in certain cases.

**Homestead  
defined and  
exempted.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That a homestead, consisting of any quantity of land not exceeding forty acres, and the dwelling house thereon and its appurtenances, to be selected by the owner thereof and not included in any recorded town plat or city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within a recorded town plat or city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this state, shall not be subject to forced sale on execution, or any other final process from a court, for any debt or debts growing out of or founded upon contract, either express or implied, made after the third day of July, A. D. 1848.

**Exception to  
exemption.** Sec. 2. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land

by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Sec. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer, at the time of making such levy, of what he regards as his homestead, with a description thereof, within the limits above prescribed, and the remainder alone shall be subject to sale under such levy.

Proceeding under levy when homestead has not been defined, &c.

Sec. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expense of said survey shall be chargeable on the execution, and collected thereupon.

Duties of officer on levy in certain cases.

Sec. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificate of the survey, the quantity set off as aforesaid.

Idem.

Sec. 6. Any person owning and occupying any house on land not his own, and claiming said house as a homestead, shall be entitled to the exemption aforesaid.

House on land not his own exempted to owner thereof in certain cases

Sec. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

Approved March 25, 1848.

No. 110.

AN ACT to incorporate the Leoni Theological Institute.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel Bebans, A. W. Curtis, Rufus Thayer, John Diamond, William Holmes, William M. Sullivan, G. J. Barker, William D. Moore, Marcus Swift, Jason Steele, Jephtha Hewit, and S. P. Rice, of the state of Michigan, and their successors,

Incorporation

be and they are hereby created a body corporate and politic, to be styled the Board of Trustees of the Leoni Theological Institute, and by that name shall have perpetual succession, with full power to acquire, hold, and convey property, real and personal, not exceeding thirty thousand dollars, and to have and use a common seal, to sue and be sued, plead and be impleaded, to make, alter and modify, from time to time, such by-laws and regulations as they may deem necessary for the government of said institute, its officers and employees: *Provided*, such by-laws and regulations are not inconsistent with the constitution and laws of the United States or of this state.

Location and  
buildings.

Sec. 2. Said institute shall be located in the village of Leoni, county of Jackson, and the said trustees may proceed in the erection of buildings upon a plan sufficiently extensive for the purposes of a thorough theological education.

Classification  
of trustees—  
subsequent  
trustees to  
be appointed

Sec. 3. At the first meeting of the trustees, after the passage of this act, they shall, by ballot, divide themselves into three classes of four members each; the term of office of the first class shall terminate at the session of the Michigan annual conference of the Wesleyan Methodist connection, in the summer or fall of eighteen hundred and forty-eight, and their places supplied by an election of said conference. The second shall go out of office at the next session of said annual conference, and their places supplied in like manner, and so of the third, so that each year one-third of said trustees shall be elected by said annual conference.

Trustees to  
fill vacancies  
and appoint  
officers.

Sec. 4. The above named trustees, and their successors in office, may have power to fill vacancies which may occur in their own body, by death, removal or resignation. They may also appoint from their own members, a president, secretary and treasurer, whose duties shall be prescribed in the by-laws of said institute.

Power and  
liabilities of  
trustees.

Sec. 5. Said board of trustees shall be in law capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation, and for the interest of said institute and no other, and shall be held liable for all debts as partners in trade, after the corporation property shall have been exhausted.

Repeal, &c.

Sec. 6. The legislature shall have the power, at any time, of amending or repealing this act; also to demand of the trustees of said insti-

into a statement of the amount of property, real and personal, belonging to the same.

Approved March 25, 1848.

No. 111.

AN ACT to amend an act entitled an act to incorporate the Lake Superior Fishing and Mining Company, approved March 31, 1840.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of said act be and the same is hereby amended by striking out in the sixth line thereof the word "twenty," and substituting the word "thirty," and by striking out in the ninth line the word "fishing," and substituting the word "smelting," so that said section as amended will read as follows : Act amended

"Section 1. That John Hulbert, Alfred Hartshorn, Samuel Ashman, George S. Fake, Cornelius Wickware, Chas. W. Penny, Joel L. Ankrim, Nathaniel W. Brooks, and such other persons as may be associated with them and their successors for the period of thirty years after the approval of this act, be and are hereby ordained, constituted and declared to be a body politic and corporate, under the name of "the Lake Superior smelting and mining company," and by that name they and their successors, for the period aforesaid, shall, and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and may change the same at their pleasure ; and that they and their successors, by the name aforesaid, shall, in law, be capable of purchasing and holding any lands, tenements, hereditaments and real and personal estate whatever, necessary for the objects of this incorporation : *Provided*, The real and personal estate of said corporation shall not exceed two hundred thousand dollars." Sec. 1 as amended.

Sec. 2. The second section of said act is hereby amended by striking out in the fourth line thereof the words "ten hundred," and by substituting for the words "one hundred" in the same line of said section, the word "twenty-five," so that said section shall read as follows : Sec. 2 amended.

"Section 2. The capital stock of said company shall be one hun-

dred thousand dollars, with the privilege of increasing the same to two hundred thousand dollars, to consist of and be divided into shares of twenty-five dollars each."

Sec. 4 amended.

Sec. 3. That section four be amended by striking out in the second line thereof the word "fishing," and substituting the words "mining and smelting;" also, by striking out in the third line thereof the word "fishing," and substituting the word "said;" also, by inserting in the fourth line, after the word "directors," the following words: "one of whom shall at all times be a resident of the state of Michigan, and;" also by striking out in the thirteenth line thereof the word "July," and substituting the word "February," and by striking out in the sixteenth line thereof the word "sixty," and substituting the word "thirty," so that said section four may read as follows:

Section as amended.

"Section 4. That for the purpose of conducting the business of said company, which shall be that of mining and smelting, and vending the produce of the same, and carrying on the said business, there shall be five directors, one of whom shall be at all times a resident of the state of Michigan, and one of whom they shall annually elect their president, who shall hold their office for one year, or until others shall be elected in their stead. That the first directors shall be John Hulbert, Alfred Hartsborn, Samuel Ashman, George S. Fake, Cornelius Wickwar, Charles W. Penny, Joel L. Ankrim, Nathaniel W. Brooks, of whom until the first election of directors as hereinafter mentioned, the said John Hulbert shall be president: that the election of directors shall be held in their office on the first Monday in February in each and every year, at such time of day and at such place as may be designated by public notice, signed by their secretary, to be inserted in a newspaper in the city of Detroit, once in each week at least thirty days previous thereto; at which said election the stockholders may vote in person or by proxy. Each stockholder shall be entitled to one vote for each share he may hold, and the persons receiving the greatest number of votes shall be duly elected."

Sec. 9 amended.

Sec. 4. That the ninth section of said act be and the same is hereby repealed, and the following section inserted:

Section as amended.

"Section 9. The inhabitants of this state shall have a lien upon the stock and appurtenances, and upon the property of said company, for all dues and demands not exceeding one hundred dollars each against

said company, originally contracted or incurred within this state, which shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

Sec. 5. That section ten be amended by striking out in the third line the words "office of said company," and substituting the words "business office of said company within the territorial limits of the state of Michigan," and adding thereto the following words: "as the by-laws of the company may designate and direct," so that the said section ten may read as follows:

"Section 10. That said company shall within six months after the taking effect of this act, by a vote of the board of directors, locate the business office of said company within the territorial limits of the state of Michigan, and file in the office of Secretary of State, a certificate specifying the place of such location, and thereafter all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct."

Sec. 6. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital paid in on the capital stock of said company, and also upon the whole amount of money borrowed by said company, which tax shall be assessed upon the last preceding report of said company, and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make, under their hands, a report, verified by their several oaths, of the whole amount of capital paid in on the capital stock of said company, and also, of the whole amount of money borrowed by said company, and said tax shall be in place of all other taxes on the personal property of said company, and of all state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be returned to the State Treasurer accordingly.

Sec. 7. The eleventh section of the original act is hereby amended by striking out the same and inserting the following to stand in lieu thereof:

"Section 11. It shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage, or exchange, in dealing in money or bank notes, or in the purchase of

any stock of any bank, or in the purchase of any public stock ~~what~~  
~~ever~~, or for any other purposes than those particularly specified in this  
 act."

h.

Sec. 8. The twelfth section of the original act is hereby amended  
 by striking out the same and inserting the following to stand in lieu  
 thereof :

"Section 12. The legislature may, at any time, by a vote of two-  
 thirds of both houses, amend, alter or repeal this act, or the act in  
 which this is amendatory, for any violation of the provisions thereof."

Company to  
 file assent to  
 this act.

Sec. 9. This act shall not take effect until said company shall, by  
 their authorized agent or officers, file in the office of the Secretary  
 of State their written assent thereto.

Sec. 10. This act shall take effect and be in force from and after its  
 passage.

Approved March 25, 1848.

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No. 112.

AN ACT to authorize Peter M. Kinde to build a dam across Grand  
 River.

Dam autho-  
 rized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Peter M. Kinde, his heirs and assigns, are hereby authorized and empowered to build a dam across the Grand River, on section thirty-two and thirty-three, in township number five north, of range number four west.

Description  
 of dam.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth below said dam, as to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times.

Duty of owners.

Sec. 3. It shall be the duty of the owners of said dam, at all times to keep said locks in repair, and to pass any water craft through the dam, free of toll, and without unnecessary delay ; and any person who shall be so detained, shall be entitled to recover of the said owners



ers double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction with costs of suit.

Sec. 4. Any person who shall destroy or in any wise injure said dam or lock, shall have been deemed to have committed a trespass upon the owners thereof, and be liable accordingly, and any person who shall wilfully or maliciously destroy or injure the said lock or dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, be punished by fine and imprisonment, in the discretion of the court.

Trespass on dam, &c.

Sec. 5. Nothing herein contained shall authorize the individual named in the first section of this act, his heirs or assigns, to enter upon or flow the land of any person or persons without the consent of such person or persons, and the legislature may at any time hereafter alter, amend or repeal this act.

Rights of persons reserved.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 25, 1843.

No. 113.

AN ACT to incorporate the Lac La Belie Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William F. Ladd, Samuel Starkweather, Theodore Olcott, Sidney Ketchum, James Tatem, Alexander H. Sibley, and Charles S. Adams, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Lac La Belle Mining Company, for the purpose of smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan.

Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into ten thousand shares of fifteen dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the sum of one hundred and fifty thousand dollars.

Capital stock

Sec. 3. The officers of said company shall consist of a president, a board of five directors, each owning in his own right not less than

Officers.

Assessment  
on shares.

twenty shares of stock, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom the service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said mining company: *Provided*, That until the first annual meeting of the said company, after its organization under this act, the present president and board of directors, shall be and continue, and they and their successors are expressly constituted the officers of said company, and shall have and exercise all the powers, and be subject to all the duties and restrictions imposed on the officers to be chosen under this act.

Annual tax.

Annual re-  
port.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer herein before required.

Company  
may con-  
struct cer-  
tain rail road

Sec. 5. It shall be lawful for the said corporation, whenever they may deem it expedient, to locate, lay down and construct a rail road from their mines to Lake Superior, upon any route which they may deem the most eligible, as a place of deposite and shipment for their

ores, metals and other commodities ; and it shall be lawful for them to enter in and upon and occupy any intervening lands for that purpose, and to take and use, dig and carry away such stone and earth, or other material, as may be required for the construction of the said road : *Provided*, That said company shall first obtain the consent of the owner and owners of such lands which they may wish to use for that purpose : *Provided*, That said rail road may also be used for the sole purpose of transportation of metals, ores and supplies of any other incorporated mining company, on the payment therefor of such tolls as shall be agreed upon, not exceeding the tolls now fixed by the Pontiac Rail Road Company.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of <sup>1st meeting of company</sup> them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, <sup>Lien of inhabitants of this state.</sup> appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 8. Said company shall be subject to the provisions of chapter <sup>Subject to general laws</sup> fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Sec. 9. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, <sup>Business office.</sup> locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Sec. 10. This act shall take effect and be in force for thirty years from and after its passage, and the legislature may at any time alter, <sup>Duration of charter, repeal of same, &c.</sup> amend or repeal this act after the limitation thereof, by a two-third vote, or any time for any violation of the provisions thereof : *Provided*, That it shall not be lawful for said company to use their funds or

any part thereof in any banking or brokerage, or exchange, or in buying or selling money or bank notes, or stocks of any kind, or in any other business whatever, except that specially provided for by this act.

Approved March 25, 1848.

No. 114.

AN ACT to authorize certain persons to convey lands in the county of Allegan.

Charlotte Maingan authorized to convey certain lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charlotte Maingan, widow of the late Nayan Maingan, deceased, is hereby authorized and empowered to sell and convey, by deed, all the interest of which the said Nayan Maingan died seized, in the following described lands, situated in the Indian Colony of Old Wing, in the county of Allegan, to wit: number four (according to the plat of the lands belonging to the said colony,) situated in the south west quarter of north west quarter, of north east quarter of section three, containing eight acres; also, number sixteen, situated on the west side of the north west quarter of north west quarter of said section three, town four north, of range fifteen west, containing sixteen acres.

Margaret Okitchigume, do.

Sec. 2. That Margaret Okitchigume, widow of Nayan Okitchigume, deceased, is authorized to sell and convey by deed, all the interest which her said husband had at the time of his decease, in the following described land, to wit: number fifty-five, according to said plat situated in the south east corner of the north east quarter, of south east quarter of section five, town four north, of range fifteen west, containing eight acres of land.

Choni Wekazoo, do.

Sec. 3. That Choni Wakazoo, widow of the late chief, Joseph Wakazoo, deceased, is authorized to sell and convey by deed, all the interest which her said husband had at the time of his death, in the following described land, viz: number two, according to said plat: it being the south west quarter of north east quarter of section three, town four north, of range fifteen west, containing forty acres.

Mary Ann Wawagibo, do.

Sec. 4. That Mary Ann Wawagibo, mother of Mitchell Wawagibo, deceased, is hereby authorized and empowered to sell and convey by

deed, all the interest which the said Mitchell Wawagibo had at the time of his death, in the following described land, viz : number nineteen, according to said plat situated on the west side of the south west quarter of north west quarter, of said section three, town four north, of range fifteen west, containing twenty-four acres.

Sec. 5. Dominic Wiendagawish, only son of Naas Wiendagawish, deceased, is hereby authorized and empowered to sell and convey by deed, the following described land, owned by his father at the time of his death, viz : number forty-five, of said plat situated in the north west quarter of the north west quarter of section four, town four north, of range fifteen west, containing thirty acres and forty-five hundredths of any acre ; also, number fifty-three, fifty-four and fifty-six, according to said plat situated in the south west part of the north east quarter of south east quarter, of section five, in town four north, of range fifteen west ; said three last numbers containing in all twelve acres. Dominic Wiendagawish, do.

Sec. 6. That Waonagua Mutchesepe, only heir of Joseph Moses Mutchesepe, deceased, is hereby authorized and empowered to sell and convey by deed, all the interest which her father had at the time of his death, in the following described lands, viz : number fifty-one, according to said plat situated in the north east corner of the north east quarter of south east quarter of section five, town four north, of range fifteen west, containing eight acres. Waonagua Mutchesepe, do.

Sec. 7. That Mesquaba Okitchigume, widow of Francis Okitchigume, deceased, is hereby authorized and empowered to sell and convey by deed, the following described land, owned by her husband at the time of his death, viz : number fifty-two, according to said plat, situated in the north west corner of the north east quarter of south east quarter of section five, of town four north, of range fifteen west, containing eight acres. Mesquaba Okitchigume do.

Sec. 8. That Mitchel Wiendagawish, only son of Mitchel Wiendagawish, deceased, is authorized and empowered to sell and convey by deed, all the interest which his father had at the time of his death, in the following described land, viz : number thirty-two, according to said plat, situated on the west half of the east half of the south east quarter of section four, town four north, of range fifteen west, containing thirty-two acres. Mitchel Wiendagawish, do.

Sec. 9. That Mary Ann Wawagibo, mother of John Baptist Wa-

Mary Ann  
Wawagibo,  
da.

wagibo, deceased, is authorized and empowered to sell and convey by deed, all the interest which said John Baptist Wawagibo had at the time of his death, in the following described land, viz : number twenty-one, according to said plat situated on the south east corner of south west quarter of north west quarter, of section three, town four north, of range fifteen west, containing eight acres : *Provided always*, That George N. Smith, missionary in said colony, shall consent to all sales of land made by authority of this act, and shall endorse his approval of such sale upon the deed or deeds executed : *And provided further*, That the judge of probate for the county of Allegan shall also consent to any sale made or deed given by authority of this act, and signify such consent in writing upon such deed or deeds.

Proviso.

Sec. 10. Any deed made under the provisions of this act, and executed according to existing laws, and approved by said George N. Smith and said judge of probate as herein provided, shall be valid to pass the interest authorized to be conveyed by this act.

Approved March 27, 1848.

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No. 115.

AN ACT to incorporate the Bohemian Mining Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry H. Brown, Charles A. Trowbridge, and George V. N. Lothrop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Bohemian Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

Capital stock  
da.

Sec. 2. The said company shall have corporate succession; its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

Officers.  
Title of document on  
which, &c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary

and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Bohemian Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required: said taxes to be secured and collected agreeably to the laws of this state.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take pre-

State tax—  
annual re-  
port requir'd

Lien of inha-  
bitants of  
this state.

cedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Subject to  
general pro-  
visions of rev  
statutes.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

Office of co.,  
to be desig-  
nated and re-  
ported.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Sec. 9. This act shall take effect from and after its passage, and continue in force thirty years therefrom: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges.

Approved March 27, 1848.

#### No. 116.

#### 'AN ACT to incorporate the Albion Mining Company.

Albion mi-  
ning co. in-  
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Chauncey Bush, Joseph B. Bloss, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Albion Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan.

'Capital and  
real estate.

Sec. 2. The said company shall have corporate succession, and its capital stock shall be two hundred thousand dollars, divided into shares of five dollars each; and said company may acquire and hold such real and personal estate in the Upper Peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of three directors, including the president, who shall be one thereof; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company



may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe: *Provided*, That one of the said directors shall, at all times be a citizen and resident of this state, upon whom service of all process against said company may be made, and such service shall be deemed a valid service as against the said Albion Mining Company.

Sec. 4. The said company shall pay to the Treasurer of the state State tax. of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be in lieu of the state tax upon the real estate, and of all taxes upon the personal estate of said company, and shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in Annual report. each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also, the whole amount of money which at any time has been borrowed by said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

Sec. 5. The legislature may at any time, alter, amend or repeal this act for any violation of the provisions of this charter; and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified. Repeal, &c.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority 1st meeting. of them shall appoint by a notice to be published in one or more newspapers in each of the cities of Detroit and New York, at least thirty days before the time of such meeting.

Sec. 7. Said company shall be subject to the provisions of chapter

**General provisions.** fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same are applicable and not inconsistent with the provisions of this act.

**Lien of inhabitants.** Sec. 8. Any inhabitant or laborer, and citizen, who may have been in the actual employment of said company within this state, shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Duration of charter.** Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years thereafter.

Approved March 27, 1848.

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No. 117.

AN ACT to amend chapter ninety and section one hundred and thirty-four of the revised statutes.

**Revised statutes amended.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever it shall be made to appear to the court that it will be manifestly for the interest and advantage of any infant or infants that any incumbrance upon the real estate of such infants should be purchased and discharged, in whole or in part, the court may authorize the guardian of such infants to purchase and discharge the same, and if necessary, to sell and dispose of such part of the real estate of such infants as may be necessary for that purpose: *Provided,* Such purchase and discharge shall in no way be construed as vesting in said guardian any right, title or interest in such premises to the prejudice of such infants.

Sec. 2. This act shall take effect from and after its passage.

Approved March 27, 1848.

## No. 118.

AN ACT to amend an act to provide for the recording of town plats and for vacating the same in certain cases, approved April 19, eighteen hundred and thirty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section one of an act to provide for the recording of town plats and for vacating the same in certain cases, approved April 19th, eighteen hundred and thirty-nine, be so amended that it shall read as follows :

Act amend-  
ed.

"Be it enacted by the Senate and House of Representatives of the state of Michigan, That whenever any lands shall be hereafter laid out within this state as a town or village, or as an addition to any town, village or city, the proprietors of such lands shall cause a true map or plat thereof to be recorded in the office of the register of the county where the same lies before any lot or lots therein be offered for sale ; and if any person or persons shall sell any lot or lots laid out as aforesaid, before the same be recorded as aforesaid such person or persons shall forfeit and pay the sum of fifty dollars for every lot so sold ; and that in all cases wherein any lands have been heretofore laid out as a town or village, or as additions to any town, village or city, and the proprietor or proprietors thereof have sold any lot or lots therein, and shall, after the term of nine month from the passage of this act neglect or refuse to have the same duly acknowledged and recorded according to the provisions of the act to which this is amendatory, such person or persons shall forfeit and pay a sum not less than fifty dollars, nor exceeding two hundred dollars, in the discretion of the court, for each and every year of such neglect or refusal."

Ibid.

Sec. 2. That the three last lines of section eight of said act be stricken out, and the following added thereto :

"They shall be paid over to the plaintiff prosecuting for the same ; and in case no individual prosecutes for the same, it shall be the duty of the prosecuting attorneys of the respective counties, in all cases of the failure of the proprietor or proprietors of any lands laid out as aforesaid, to comply with the provisions of this act, to prosecute such proprietors on behalf of their respective counties for the penalties herein prescribed."

ibid.

Sec. 3. That an additional section be added to said act as follows :

"Sec. 9. That in all cases where plats of any town or village, or additions to any town or village are now filed in the registers office of the respective counties, and such plats have been so filed by the proprietor or proprietors, their agent or attorney, and the same have not been duly acknowledged and recorded as provided by the act to which this is amendatory, it shall be the duty of the county register in which the lands so laid out are situated, to record the same as provided in said act, and when so recorded the said plat shall be as valid and effectual for the purposes of the assessment, collection and return of taxes, and of the sale of said lands which may be delinquent in the payment thereof as though the same had been duly acknowledged and recorded according to the provisions of the act to which this is amendatory, and the said registers shall receive for the services rendered under the provisions of this act such sums as the boards of supervisors of their respective counties shall deem reasonable, to be paid from the treasurer of the county.

Approved March 27, 1848.

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No. 119.

AN ACT for the improvement of the Bellevue and Waterloo state road, in the county of Eaton.

Certain non-resident highway taxes appropriated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That, for the purpose of improving so much of the Bellevue and Waterloo state road as lies within the townships of Kalamo and Carmel, there is hereby appropriated all the non-resident highway taxes of the year A. D. eighteen hundred and forty-seven, as shall remain unexpended on the first day of May next, and for four years next thereafter, for the distance of two miles from the centre of that portion of said road so to be improved on the east side thereof, and for the distance of one mile from the centre of said portion of said road on the west side thereof: *Provided*, Nothing herein contained shall in any manner interfere with the operation of any law heretofore passed for the improvement of the Clinton road, or the Marshall and Ionia state road.

E. D. Lacy, special commissioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, Edward D. Lacy is hereby appointed a special commissioner,

who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

Sec. 3. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer of Eaton county a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act; and in default thereof, it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers. Duties of com'r.

Sec. 4. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Bellevue and Waterloo state road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner. 1b.

Sec. 5. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished, in the improvement of said road, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person or persons,) upon the Bellevue and Waterloo state road fund, and it shall be the duty of the county treasurer to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section four of this act. 1b.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

No. 120.

AN ACT to lay out a state road in the counties of Montcalm and Kent.

**Commissioners named.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Thomas Addison, George Miller and Ethan Satterlee be and they are hereby authorized and empowered, to lay out and establish a state road, beginning at the quarter post on the north line of section seventeen, in township numbered nine north, of range number eight west, thence on the most direct and eligible route to Grand River, at or near Parker's ferry, in the township of Plainfield, in the county of Kent, thence to the village of Grand Rapids in said Kent county.

**Route of road**  
**Com'rs to file survey, &c.** Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law: *Provided*, The decision of the said commissioner in regard to the laying of said road may be appealed from, as in case of the laying out of roads by the highway commissioners of the several townships.

**Duty of com'r of highways.** Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road may pass to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked.

**State not liable for damage or expense.** Sec. 4. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

No. 121.

AN ACT to incorporate the Howell Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Josiah Turner, F. C. Whipple, Elijah F. Burt, Alvan Isbell, Gardner Wheeler, Geo. W. Lee, John Kenyon, Jr., Almon Whipple and Edward E. Gregory, together with such other persons as may be associated with them and may become stockholders of the incorporation hereby created, shall be and they are hereby constituted and declared a body corporate and politic, by the name and style of "Howell Academy," and in their corporate name may sue and be sued, defend and be defended, in all courts of this state; may have a common seal, which they may renew or change at pleasure; and shall have, enjoy and exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes expressed in this act. Howell academy incorporated.

Sec. 2. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of five dollars each. Capital.

Sec. 3. The said corporation hereby created shall be capable in law of acquiring and holding, by purchase, gift, grant, bequest or otherwise, and of selling and conveying or leasing any estate, real, personal or mixed, for the purposes mentioned in this act and none others; and the trustees thereof and their successors in office shall have full power to make and enter into contracts, to establish rules and by-laws as they may deem necessary for the good government of the said academy, and for the holding and disposing of its property and effects for the purposes mentioned in this act, not inconsistent with the constitution and laws of this state. Powers and purpose of incorporation.

Sec. 4. There shall be nine trustees of the said corporation, who shall be stockholders thereof, and who shall manage and control all the affairs of the same, maintaining perpetual succession; three of whom shall be elected at the annual meeting in each year, to fill the vacancy of a like number whose term of office shall expire upon the election of their successors; and the persons named in the first section of this act shall be the first trustees; and the said nine trustees shall, at their first meeting, proceed to cast lots for the terms of one, two and three years, by drawing numbers; and the three persons who shall draw the Trustees, powers and duties; their classification &c.

three highest numbers shall hold their office for the term of three years from and after the first day of January, one thousand eight hundred and forty-eight ; and the three persons who shall draw the next three highest numbers shall hold their office for the term of two years from and after the first day of January, one thousand eight hundred and forty-eight ; and the remaining three persons shall hold their office for the term of one year from and after the first day of January, one thousand eight hundred and forty-eight.

**Meetings of  
stockholders**

Sec. 5. There shall be a meeting of the stockholders of said corporation on the first Monday of January, one thousand eight hundred and forty-nine, and on the first Monday in January in each succeeding year, at some convenient place in the village of Howell, to be designated by the by-laws of said corporation ; and a majority of the stockholders who shall meet in person or by proxy shall elect three of the stockholders to be trustees in the place of those whose term may expire, each person being entitled to one vote for each share he may hold in his own right or by proxy.

**Officers.**

Sec. 6. The said trustees shall have power to choose from their own number a president, treasurer and secretary, who shall hold their offices during the pleasure of the said trustees ; and in case any of the trustees shall die, resign, refuse or neglect to act, the remaining trustees may, within thirty days after any such vacancy shall occur, elect by ballot other trustees of stockholders of said corporation to fill such vacancy.

**Subscriptions  
to capital  
stock.**

Sec. 7. The said trustees are authorized to receive subscriptions for shares to the capital stock of said corporation, and such shares shall be assignable and transferable agreeably to such by-laws as the said trustees shall from time to time establish, and shall in law be considered personal property.

**Trustees to  
establish a  
academy at  
Howell.**

Sec. 8. The said trustees are hereby empowered and authorized to establish in the township of Howell in the county of Livingston, an institution for the instruction of young persons in the various branches of literature, science and the arts, and shall faithfully apply the funds by them from time to time received under the provisions of this act, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary to insure a successful prosecution of study in said institution.



Sec. 9. The said trustees shall, at least ten days previous to each annual election of trustees as aforesaid, cause a list of the names of all the trustees and stockholders of said corporation, together with a statement of the amount of stock owned by each, duly authenticated by affidavit, to be filed in the office of the county clerk of the county of Livingston, and the said list and statement shall be prima facie evidence that the individuals therein named are the trustees and stockholders of said corporation, and that the statement of the stock is the amount owned by each individual respectively.

List of trustees and stockholders to be published annually.

Sec. 10. That said academy shall be subject to the annual visitation of the superintendent of public instruction, and the trustees of said academy shall annually, on or before the twelfth day of October in each year, make to said superintendent a full report of the literary and pecuniary condition of said academy.

Annual visitation of academy.

Sec. 11. In case it shall at any time happen that an election of trustees shall not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be dissolved, but it shall and may be lawful to assemble on any other day to hold an election for trustees, in such manner as shall be provided by the by-laws and ordinances of said corporation.

Election of trustees in certain cases

Sec. 12. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six so far as the same may be applicable.

Subject to gen'l provisions relative to corporations.

Approved March 27, 1848.

# No. 122.

AN ACT to amend section five of chapter twenty of the revised statutes of eighteen hundred and forty-six, in relation to the assessment of taxes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of chapter twenty of the revised statutes of eighteen hundred and forty-six be and the same is hereby amended by striking out the first subdivision of said section.

Revised statutes amended.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 27, 1848.

## No. 123.

AN ACT to incorporate the Douglas Houghton Mining Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Elon Farnsworth, Henry Ledyard, C. C. Douglas, John R. Grout, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Douglas Houghton Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

**Sec. 2.** The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

**Sec. 3.** The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may at the pleasure of the company be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided,* That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Douglas Houghton Mining Company.

**Sec. 4.** The said company shall pay to the treasurer of the state an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed up on the last preceding report of said company, and for that purpose the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at an

time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes upon the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer herein before required.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

*1st meeting of company*

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

*Lien of inhabitants of this state.*

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same shall be applicable.

*General provisions.*

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

*Business office.*

Sec. 9. This act shall take effect and be in force for thirty years from and after its passage: *Provided*, That the provisions of this act shall not be construed so as to extend to or bestow upon the said company any banking powers or banking privileges: and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

*Duration of charter, repeal of same, &c.*

Approved March 27, 1848.

AN ACT to incorporate the Eagle Harbor Mining Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Samuel A. Hastings, Lewis Hall, William A. Howard and Henry Doty, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Eagle Harbor Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan: *Provided,* That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges whatever, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any stock whatever, or for any other purposes than those herein particularly specified.

**Capital stock &c.** **Sec. 2.** The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company.

**Officers.** **Sec. 3.** The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe: *Provided,* That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Eagle Harbor Mining Company.

**State tax — annual report required.** **Sec. 4.** The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall

be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required : said tax shall be secured and paid agreeably to the laws of this state.

Sec. 5. This act shall take effect and be in force for thirty years Duration of charter. from and after its passage.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of 1st meeting. them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, Lien of inhabitants of this state. appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so Subject to general laws far as the same may be applicable.

Sec. 9. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other Business of Soc.

meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Approved March 27, 1848.

No. 125.

AN ACT to amend an act entitled an act to authorize the Supervisors of the county of Kent to construct a canal and locks around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and the act amendatory thereto, approved 29th January, 1848.

Act amended.

3 special commissioners to be appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That for the purpose of carrying out in a more prompt and efficient manner the object specified and provided for in the act to authorize the supervisors of the county of Kent to construct a canal and locks around the Rapids of Grand River at Grand Rapids, approved February 20, 1847, and in the act amending the same, approved 29th January, 1848, all the powers and duties now devolved upon the said board of supervisors, are hereby conferred upon three commissioners, to be appointed by the Governor, one of whom shall be a resident of the county of Ionia, and the other two shall be residents of the county of Kent, who shall severally, before entering upon the duties of said office, take and subscribe the constitutional oath of office, and shall jointly execute a bond with sufficient sureties to be approved by the Auditor General, in the penal sum of ten thousand dollars, and conditioned for the due and faithful discharge of their duties: *Provided*, That the powers and duties hereby conferred upon said commissioners shall, upon the completion of the canal and works specified in the acts hereby amended, cease as to said commissioners, and revert to the said board of supervisors, and be by said board thereafter fully enjoyed and exercised: *And provided further*, That all the acts and doings of the said board of supervisors up to the date of the appointment by the Governor of said commissioners, shall remain and be deemed as valid and effectual as though this act had not been passed.

Powers and duties of such commissioners.

Sec. 2. The commissioners hereby required to be appointed in virtue of the powers thus to be conferred upon them, shall have the full and entire control and management of the construction and comple-

tion of said canal and works specified in the act hereby amended, being limited only by the time, manner, mode of construction, size and dimensions of the canal and locks, and the depth of water therein, and may, in the exercise of said powers, in their discretion, resurvey and relocate the said canal on either side of the river, and modify the subsisting contract or make new ones for the completion of said works, and generally perform all such acts as it might be lawful for the said board of supervisors to do and perform by virtue of the powers conferred upon them by the acts hereby amended.

Sec. 3. The said commissioners, for the services to be rendered by them, shall receive a compensation of not exceeding one dollar and fifty cents per day for the time necessarily employed by them, to be audited and allowed by the board of supervisors of the county of Kent, and payable out of the proceeds of the appropriation made by the act first above mentioned. Their compensation.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

No. 126.

AN ACT to incorporate the Medora Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George C. Bates, Orville B. Dibble, and Chauncey Bush, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Medora Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of Michigan. Medora mining co. incorporated.

Sec. 2. The said company shall have corporate succession; and its capital stock shall be two hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the said company may require, to an amount not exceeding the capital stock of said company. Capital stock real estate, &c.

Sec. 3. The officers of said company shall consist of a president,

**Officers.** a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

**Assessment on shares.**

**State tax.** **Annual report.** **Sec. 4.** The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state tax on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly: said taxes to be secured and collected agreeably to the laws of this state.

**1st meeting.**

**Sec. 5.** The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in each of the cities of Detroit and New York, at least thirty days before the time of such meeting.

**Subject to general provisions of rev statutes.**

**Sec. 6.** Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same are applicable and not inconsistent with the provisions of this act.

**Lien of inhabitants.**

**Sec. 7.** Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said



company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business of  
off.

Sec. 9. This act shall take effect from and after its passage, and continue in force for thirty years therefrom: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges. Duration of  
charter.

Approved March 28, 1848.

### No. 127.

AN ACT to incorporate the Ontonagon Mining Company of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John V. Watson, John L. Whiting and John Kenzie, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Ontonagon Mining Company of Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the Upper Peninsula of the state of Michigan. Ontonagon  
mining co.  
incorporated

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital and  
real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person; and the said company may levy assessments on Officers.  
Asses on stock.

the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall, at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Ontonagon Mining Company of Michigan.

State tax.

Annual report.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also, the whole amount of money which at any time has been borrowed by said company ; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of inhabitants.

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

Sec. 7. Said company shall be subject to the provisions of chapter

fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. General provisions.

Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct. Business office.

Sec. 9. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges; and it shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Duration of charter.

Approved March 28, 1848.

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### No. 128.

AN ACT to incorporate the Monroe Manufacturing Company, in the county of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William V. Studdiford and Daniel S. Bacon, and their successors and associates, are hereby created, for the term of fifty years, a body corporate, by the name of the Monroe Manufacturing Company, for the purpose of manufacturing woollens, and woolen and cotton cloths, in the township or city of Monroe, and county of Monroe, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in chapter fifty-five of the revised statutes. Incorporation.

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company may be made, and the same shall be deemed a valid service thereof upon said Monroe Manufacturing Company in the county of Monroe, and such other officers and agents as the members of the Officers.

corporation may determine, to be appointed in such manner and for such term as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties, as the same may be prescribed in said by-laws, in said chapter fifty five, and by this act, and shall give bond in such a sum and with such sureties as the said by-laws may prescribe, for the faithful discharge of his duty.

Capital and  
real estate.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be numbered and registered, and certificates issued by the treasurer therefor to the person entitled thereto. Twenty-five thousand dollars of said capital stock may consist of real estate, which said corporation is hereby authorized to acquire, hold and convey.

Assessment  
on shares.

Sec. 4. Said corporation may from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the nominal amount of said share, and such sums so assessed, shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Indebtedness  
limited.

Sec. 5. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in.

Annual re-  
port.

Sec. 6. On or before the first Tuesday in January in each year, it shall be the duty of the treasurer of said company to make a report to the Secretary of State, verified by his oath, showing the amount of their capital stock paid in, and the amount of their entire debts and liabilities.

Lien of inha-  
bitants.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Sec. 8. This act shall take effect from and after its passage.

Approved March 28, 1848.

## No. 129.

**AN ACT** to incorporate the North American Mining Company of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gurdon Williams, Horace C. Thurber, Alfred Williams and others who shall become associated with them, are hereby constituted a body corporate, by the name of the North American Mining Company of Detroit, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporat'n

Sec. 2. The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of fifty dollars each ; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital stock

Sec. 3. The officers of said company shall consist of a president, a board of seven directors, of whom the president shall be one ; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said North American Mining Company of Detroit. Officers. Assessments on shares.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed on the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer verified by their several oaths, stating the amount which has been actually paid in on the stock of said com- State tax.

pany ; and also, the whole amount of money which at any time has been borrowed by said company ; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer heretofore required. Said tax to be secured and collected agreeably to the laws which may from time to time be in force in this state.

Repeal, &c.

Sec. 5. The legislature may at any time, alter, amend or repeal this act for any violation of the provisions thereof.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

Lien of individuals.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

General provisions.

Sec. 8. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same may be applicable.

Business of office.

Sec. 9. The said company shall, within six months after the election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location ; and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Duration of charter, &c.

Sec. 10. This act shall take effect and be in force for thirty years from and after its passage: *Provided*, Nothing herein contained shall be so construed as to confer on said company any banking powers or banking privileges, nor to use their funds or any part thereof in brokerage or exchange, in dealing in money or bank notes, or in the pur-

chase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified.

Approved March 28, 1848.

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No. 130.

AN ACT to authorize Lois Youngs, widow of Dorastus Youngs, to sell certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lois Youngs, widow of Dorastus Youngs, late deceased, be and she is hereby empowered and authorized to sell at private sale or at public auction, the north east fraction of section number eight in township number five south of range two east, in the county of Lenawee, containing fifty-one and nineteen-hundredths of an acre of land; and on such sale to make all necessary conveyance to any purchaser or purchasers of the same, which conveyance, after being duly acknowledged, may be recorded in the register's office of the county where said lands are situated: *Provided*, Lois Youngs authorized to sell certain lands. *Provide*, the judge of probate of the county for Jackson shall approve of the sale of said lands, and endorse his approval of the sale on the deed conveying said land.

Sec. 2. Before the lands mentioned in the first section of this act shall be sold and conveyed, the said Lois Youngs shall execute and deliver to the judge of probate of Jackson county, a bond with at least one sufficient surety, conditioned that she will faithfully apply two-thirds of the proceeds thereof for the support, maintenance and education of the minor children of Dorastus Youngs deceased. Bond to be given.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

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No. 131.

AN ACT to amend an act entitled "an act to incorporate the Cottonwood Swamp Turnpike Company," approved March 9th, 1844, and the act to amend said act, approved March 24th, 1845.

Section 1. *Be it enacted by the Senate and House of Representa-*

**Act amend- ed.** *tives of the State of Michigan, That section fifteen of an act entitled "an act to incorporate the Cottonwood Swamp Turnpike Company," approved March 9th, 1844, and section three of the act to amend said act, approved March 24th, 1845, be struck out, and the following inserted in the place of said sections: "Said corporation is hereby required to commence said work within one year, and to complete the same within eight years, and said company shall have no rights or privileges to such parts of said road as shall not be completed within said eight years; and the charter of said company may be altered or amended by a vote of two-thirds of both branches of the legislature."*

Approved March 28, 1848.

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No. 132.

**AN ACT** appropriating certain internal improvement lands for the purpose of improving a state road leading from the village of St. Joseph, in Berrien county to the village of LaGrange in the county of Cass.

**2000 acres  
int. imp land  
appropriat'd**

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That three thousand acres of the internal improvement lands belonging to this state; be and the same are hereby appropriated for the purpose of opening and improving a state road leading from the village of St. Joseph, in the county of Berrien to the village of Lagrange, in the county of Cass, as laid out by authority of an act entitled an act to provide for the laying out and establishing certain state roads, approved April first, eighteen hundred and forty; fifteen hundred acres of said lands shall be applied in opening and improving that portion of said road lying in the county of Berrien, and the remainder of said lands upon that portion of said road lying in the county of Cass.*

**Special commissioner  
appointed.**

*Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, before entering upon the discharge of the duties devolved upon him by the provisions of this act, take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.*



Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements contemplated by this act, and shall have power to let out by contract the working and improving of said road to the lowest bidder or bidders, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in said contracts: *Provided*, That before such letting, the said commissioner shall advertise for proposals for opening and improving said road, or any part of said road, in separate sections describing the same; such advertisement to be published four successive weeks in a newspaper published at Cassopolis in said county of Cass.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractors for any such services, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the land office in payment for any internal improvement lands not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or a less quantity in any one certificate of sale than forty acres.

Sec. 5. The said commissioner shall cause an accurate survey and map of so much of said road within the limits of each township as has not been surveyed and recorded to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and best interests of the state, and shall receive for his services a sum not exceeding two dollars a day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the said appropriation hereinbefore made, and shall render to the Auditor

Powers of  
com'r.

Payment of  
contractors  
and others.

Map and  
survey to be  
filed.

Compensation of  
special com'r, his  
acc't audited  
by Aud.  
Gen'l.

General an account of all services by him thus rendered, verified by his oath, who shall thereupon issue his warrants for the amount drawn against and payable in internal improvement lands included in the above appropriation.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 26, 1848.

### No. 133.

AN ACT appropriating certain internal improvement lands for improving a certain road in the county of Ottawa, and for building a bridge and causeway at Grand Haven in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands be and they are hereby appropriated for the purpose of laying out and improving a certain road from section twenty-eight in town eight north of range thirteen west, to Hopkins Mills in the township of Norton, on the most feasible route.

2000 acres int.  
imp. land ap-  
propriated  
on certain  
road.

Sec. 2. In addition to the above, two thousand acres are hereby appropriated from the internal improvement lands, for the purpose of constructing a bridge and causeway over the bayou and flats between the village of Grand Haven and the said Hopkins' Mills, (known as Mill Point.)

2000 do on  
cert'n bridge  
and cause-  
way.

Sec. 3. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof except upon the order or certificate of said special commissioner.

Spec'l com'r  
to be ap-  
point d.

Sec. 4. The said special commissioner shall in virtue of his appointment have the control and management of the several improvements in this act specified, and shall have power to let out by contract the building of said bridge and causeway and the opening and working of said road to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved

Powers and  
duties of  
com'r.

by him, and conditioned for the due performance of the work stipulated in the contract : *Provided*, That before such letting, the said commissioner shall advertise for proposals for constructing said bridge, causeway and road, or either of them ; such advertisement to be published for three weeks in a newspaper published at Grand Rapids in the county of Kent.

Sec. 5. For the purpose of laying out, opening and improving said <sup>1b.</sup> road, the said commissioner shall possess the power now conferred by law upon highway commissioners of the several townships through which said road shall be laid, and for settling and adjusting all claims for damages by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining one, for the appointment of three appraisers, and the same proceedings shall thereupon be had in all respects, as are now provided by law for the settlement of like cases by highway commissioners.

Sec. 6. The said commissioner shall cause an accurate map and <sup>1b.</sup> field notes of the survey of said road, or so much thereof as may be within the limits of each township and not run upon the line of an established road, to be filed in the office of the proper township clerk, who shall record the same in the manner now provided by law for public highways.

Sec. 7. Said commissioner shall proceed in the outlay of the appropriations made by this act, with all diligence and dispatch compatible with proper economy, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in discharging the duties devolved upon him by the provisions of this act, payable pro rata from the aforesaid appropriation, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath, and thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any of the lands selected and reserved from sale by virtue of this act.

Compensation  
of com'r and  
audit of his  
acc't, &c. §

Sec. 8. Nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands for a less price than that now established by law for the sale of internal improvement lands,

or a less quantity in any one certificate of sale than the usual legal subdivisions of said lands.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 28, 1848.

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No. 134.

AN ACT appropriating certain internal improvement lands for improving the navigation of the Kalamazoo river between the village of Allegan and Lake Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That four thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the navigation of the Kalamazoo River between the village of Allegan and Lake Michigan.

Sec. 2. That for the purpose of carrying into effect the provisions of this act, and of making a judicious outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall have the general supervision and management of the same, and who shall, before entering upon the discharge of his duties, take and subscribe the constitutional oath of office, and file with the Auditor General a bond to be by him approved, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 3. The said special commissioner shall direct and control the work to be performed under the provisions of this act, in person, so far as the same may be practicable, and shall have full power to employ laborers and purchase all the requisite materials, and if any contracts are let by him, they shall be for limited amounts and conditioned for the resumption of the job by said commissioner upon the failure on the part of the contractor to comply with the stipulations of the contract, and the labor shall be performed under the immediate supervision of said commissioner.

Sec. 4. Upon the completion of any such job, and in payment therefor according to the terms of the contract, and also in payment for any services rendered, labor performed or materials purchased, the said commissioner is hereby authorized to issue his orders upon

4000 acres of  
int. imp. land  
appropriated  
on Kalamazoo  
river.

Special  
commission-  
er.

Powers and  
duties of  
comm'r.

Payment of  
contractors,  
&c

the Auditor General for warrants drawn against and payable in internal improvement lands ; and the same shall be receivable at said land office at par, in payment, at the price established by law, for any internal improvement lands not reserved from sale or otherwise appropriated : *Provided*, That the aggregate amount of said orders shall not exceed the amount of the above appropriation, at one dollar and twenty-five cents per acre : *And provided further*, That the said commissioner of the land office shall not issue a certificate for any parcel of said land less than a legal subdivision of the same.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and despatch compatible with proper economy, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the above appropriation ; and the said commissioner shall from time to time render to the auditor general an account of his services, verified by his oath, and the auditor general shall thereupon issue his certificate of such amount to said special commissioner, and the same shall be receivable at par by the commissioner of the state land office in payment for internal improvement lands included in the above appropriation.

Compensation of com'r and audit of his accounts.

Approved March 29, 1848.

No. 135.

AN ACT appropriating certain internal improvement lands for the benefit of the Holland Colony and settlers now settling in the counties of Saginaw and Tuscola.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands be and they are hereby appropriated for the purpose of laying out, opening and improving certain roads in the counties of Saginaw and Tuscola, for the benefit of the Holland Colony already formed and settled in the counties of Saginaw and Tuscola ; said roads to be severally laid out upon the most eligible routes from the village of Vienna and from the city of Saginaw respectively, and to be terminated at such point or points within the limits of the present

3000 acres  
int. imp.  
lands appropriated,

## No. 136.

AN ACT to lay out, establish and improve the Benton and Vermontville state road in the county of Eaton.

Commissioner appointed to lay out state road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hosey Hovey is hereby appointed a commissioner to lay out and establish a state road from the village of Vermontville east through the Wheaton settlement, in the township of Chester, and the Hovey settlement in the township of Benton, to a point on the Battle Creek and Michigan state road, within the township of Benton, who shall cause the survey bill of the same to be filed for record in the office of the several township clerks of the townships through which the same shall be laid out.

Non-resident highway taxes appropriated for said road.

Sec. 2. For the purpose of improving so much of the road to be laid out by section one of this act as runs through the townships of Chester and Benton, there is hereby appropriated all of the non-resident highway taxes of the year eighteen hundred and forty-seven, and for four years next thereafter for two miles each way from the centre of said road within the township of Benton, and for two miles from the centre of said road on the south side thereof, and one half mile from the centre of said road on the north side thereof within the township of Chester.

Special commissioner.

Sec. 3. For the purpose of carrying into effect the provisions of section two of this act, the above named Hosey Hovey is hereby appointed a special commissioner, who shall be governed by the same laws, as far as the same may be applicable, in expending all moneys that may be subject to his control by the provisions of this act, as are now or may hereafter be in operation for the government of township highway commissioners.

His powers and duties.

Sec. 4. It shall be the duty of said special commissioner, before entering upon the duties of his office, to take and subscribe an oath to faithfully perform the duties herein assigned him, and file the same in the office of the county clerk of his county, and deliver to the county treasurer of Eaton county a bond in the penal sum of one thousand dollars, with two good and sufficient sureties, to be by him approved, conditioned for the faithful performance of all the duties imposed upon him by virtue of this act; and in default thereof it shall be the duty of said county treasurer to prosecute the same in the same manner as bonds are prosecuted against county officers.

Sec. 5. It shall be the duty of said special commissioner, on or before the first day of May next, to make out a list of all non-resident lands coming under the provisions of this act, and deliver the same to the county treasurer, who shall thereupon open an account with the Benton and Vermontville state road fund, and credit to said fund all moneys then in his hands, or which may hereafter be paid into his office as non-resident highway taxes upon any of the lands described in said list, and charge said fund all moneys which may be drawn from said fund by said special commissioner.

Sec. 6. It shall be the duty of said special commissioner, in payment for any labor performed or materials furnished in the improvement of said road, to issue his certificate to any person who may be entitled to the same, certifying the facts as they exist in the case, and draw his warrant thereon (for the amount due such person or persons) upon the Benton and Vermontville state road fund; and it shall be the duty of the county treasurer to pay the same out of any moneys to the credit of said fund, and charge the same as provided in section four of this act.

Sec. 7. The above named commissioner shall be entitled to receive as compensation for any services rendered, in the discharge of any of the duties imposed on him by virtue of this act, a sum not exceeding one dollar and fifty cents per day, for the time employed in carrying out its provisions, and his account for the same verified by his oath, shall be audited by the board of supervisors of Eaton county, and paid out of any moneys to the credit of the above fund.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

#### No. 137.

AN ACT to amend chapter twenty-seven of the revised statutes of eighteen hundred and forty-six, relative to the erection, repairing and preservation of bridges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter twenty-seven of the revised statutes be amended by adding thereto the following sections, to stand as a part thereof:

*Revised statutes amended.*

Repairs, &c.  
of bridges.

Sec. 6. If any bridge over a stream intersected by a highway, in any township of this state, has been within the last year or shall hereafter be injured or destroyed by the occurrence of a freshet, or from any other cause, it shall be the duty of the highway commissioners of such township to proceed with all convenient despatch to repair or reconstruct such bridge, as the case may require, under the personal supervision of one of their number, or by letting a contract therefor under existing provisions of law : *Provided*, That application for such repairs or reconstruction shall first be made to such commissioners in writing, signed by at least twelve freeholders of the township, and verified by the oath of such applicants, that the public interest requires such repairs or reconstruction : *And provided*, That the sum to be expended for such repairs or reconstruction shall not in any one year exceed two hundred dollars in any one organized township.

Payment of  
labor for the  
same.

Sec. 7. In payment for the labor performed, materials furnished, and necessary expenses incurred, for the purpose in the last preceding section specified, the said highway commissioners are hereby authorized to draw and issue their orders upon the township treasurer, redeemable out of the proceeds of the tax to be levied and collected therefor in the manner provided by the following section.

Duty of town  
clerk.

Sec. 8. For the purposes of levying and collecting such tax, the said highway commissioners shall furnish the township clerk with the amount of all the orders drawn by them for the objects aforesaid, on or before the first Monday of October thereafter ; and the said township clerk shall thereupon include such amount in the statement of moneys to be raised for township purposes, to be by him delivered to the supervisor, under the provisions of existing law.

Sec. 9. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

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### No. 138.

AN ACT to incorporate the Leoni Seminary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Wilder B. Mack, Jacob Sagan-  
Incorporat'd dolph, Aaron Rowe, Abel Scott, Andrew Brown, 2d, William Jackson,



Benajah Bayne, Ira W. Kellogg, Mason Branch, Samuel Lapham, Jared Warner and Isaiah Raymond, of the State of Michigan, together with such other persons as may be associated with them, and their successors for that purpose, shall be and they are hereby constituted a body politic and corporate by the name and style of the Leoni Seminary, subject to the provisions relating to corporations contained in chapter fifty-five of the revised statutes of eighteen hundred and forty-six, and such amendments thereof as may from time to time be made by the Legislature.

Sec 2. The trustees shall have power, and they are hereby authorized to establish in the village of Leoni in the county of Jackson, an institution for the instruction of young persons in ancient or modern languages or literature, and the arts and sciences, and shall faithfully apply all funds received by them for that purpose, by subscription, bequest or otherwise, in providing suitable buildings, employing professors and teachers, procuring books, maps, philosophical and other apparatus necessary or proper for the successful prosecution of study in said institution. Powers and duties of trustees.

Sec. 3. Said board of trustees shall be in law capable of acquiring and holding, by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of twenty-five thousand dollars, for the use of said corporation, and no other, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted. Ibid.

Sec. 4. The institution shall be subject to visitation at any time by the superintendent of public instruction, and the trustees shall annually, on or before the 20th day of October, in each year, make to the superintendent a full report of the literary and pecuniary condition of said institution. Annual visitation. Annual report.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

## No. 139.

AN ACT to regulate the issuing of certain land warrants by the Auditor General, and limiting the time within which the same shall be receivable at the State Land Office in payment for internal improvement lands.

Certificates and orders of all special com'rs on land appropriations for 1848 shall be presented to Aud. Gen'l, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all certificates or orders hereafter to be drawn by any special commissioner, to be appointed in virtue of any act appropriating internal improvement lands for the construction of any wharf, pier, canal, towing path or bridge, or for the laying out, opening and improvement of any roads, ditches or drains, or for improving the navigation of any river or other water course, which has already passed, and been approved, or shall hereafter be passed and approved, during the session of legislature for the year eighteen hundred and forty-eight, shall be presented to the Auditor General, who shall thereupon issue warrants for a like sum drawn against, and payable in internal improvement lands : *Provided*, That no lands shall be selected by virtue of any act passed at this session of the legislature appropriating any internal improvement lands from the upper peninsula of Michigan : *Provided also*, That the warrants issued as aforesaid shall, by their terms be receivable for lands in the lower peninsula only.

When order must be presented to Aud. Gen'l.

Sec. 2. Every certificate or order so to be drawn by any such special commissioner, in payment for any job, for services rendered, for laborers employed, for materials purchased or articles furnished, shall be presented to the Auditor General for such warrants within one year from the date thereof ; and if any such certificate or order shall not be so presented within the time in this section limited, then the same shall become void, and the claim upon which it is founded shall be annulled ; and all certificates and orders to be issued as aforesaid, shall contain upon their face a statement of the above limitation, as to the time within which they are required to be presented to the Auditor General for warrants.

When to be presented at state land office.

Sec. 3. Every warrant to be drawn by the Auditor General under said several acts of appropriation, and in pursuance of the provisions of the first section of this act, shall be presented at the state land office, and internal improvement lands selected therefor within the peri-

ed of two years from the date of said warrants respectively, and the said warrants shall severally be forthwith surrendered up to the Commissioner of said office, who shall issue certificates of purchase in the usual form for the lands thus selected, subject to the restrictions prescribed by law ; in case the holder of any such warrant or warrants, shall neglect to present the same and select the lands as aforesaid within the time in this section prescribed, he shall forfeit all claim thereon and thereunder, and every such warrant shall become absolutely void ; and all such warrants shall contain upon their face a statement of the above limitation as to the time within which they will be receivable as aforesaid.

Sec. 4. It shall not be requisite for the several commissioners to be appointed in virtue of any act in this act referred to to select or return to the land office for reservation from sale any internal improvement lands, but in all cases where such selection and return is required by the terms of any such act, the special commissioner to be appointed thereunder, may exercise his own discretion as to the propriety and expediency of making or omitting to make such selection and return.

Special commissioner authorized thereto, may select lands, or omit selection, in their discretion.

Sec. 5. So much of any act as contravenes the provisions of this act is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

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No. 140.

AN ACT to establish a state road in the counties of Ingham, Genesee and Livingston.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Sanford Marsh, David Gorslime and Samuel Crossman be and they are hereby appointed commissioners to lay out and establish a state road, commencing at or near the house of Samuel Crossman in the county of Ingham, thence on the most direct and eligible route to intersect the Detroit and Grand River Road at or near Okemos in said county of Ingham.

Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys

His duties. of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township, and it is hereby made the duty of the township clerks in the said townships, to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and post the notice required by the statutes upon the laying out of highways.

Com'r of highways. Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road shall pass, to open and work said road in the same manner, and by virtue of the same law, as township roads are required to be opened and worked.

State not liable for damage or expense. Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void.

Com'r's to alter state road. Sec. 5. That Robert LeRoy, of Genesee county, Alonzo Slayton and Hiram Mapes, of the county of Livingston, be and they are hereby appointed commissioners, and they or a majority of them are authorized to alter and establish the state road from the village of Brighton in the county of Livingston, to Fentonville in Genesee county, or any part thereof, as established by certain commissioners under "an act to provide for laying a certain state road," approved March twenty-fourth, eighteen hundred and forty-five, and they are hereby required to file a survey of such alteration or alterations in the office of the township clerk in each township in which the same may be made, and it is hereby made the duty of the commissioners of highways in the several townships through which said road shall pass, to cause the same to be opened and worked as other highways are in their respective townships.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 141.

AN ACT authorizing the district board of school district number eleven, in the township of Coldwater in the county of Branch, to borrow a certain sum of money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of school district number eleven, in the township of Coldwater in the county of Branch, are hereby authorized to borrow, on the credit of said school district, at an interest of seven per cent. per annum, and for a term of years not exceeding ten, a sum of money not exceeding twenty-five hundred dollars, for the purpose of building a school house in said district, and the said sum so borrowed shall not be applied to any other use or purpose than in building said school house.

School dist. No. 11, authorized to borrow money.

Sec. 2. Whenever said district board shall have obtained said sum of twenty-five hundred dollars or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the township of Coldwater, to be drawn by said board for the purpose above specified, in the same manner and under the same restrictions as is provided for in case of other money in the treasury, agreeably to chapter fifty-eight of the revised statutes.

Money borrowed to be paid into township treasury.

Sec. 3. That said district board are hereby authorized, and it is made their duty, to provide for the payment of such money, whether principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in case of other contingent expenses of the district.

Dist. board to provide for payment of loan.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 29, 1848.

No. 142.

AN ACT to incorporate the Mariners' Church of Detroit.

*Whereas*, Julia Ann Anderson, late of Detroit, deceased, in and by her last will and testament, did give and devise a lot of land in the city of Detroit as a site for a church, to be called the Mariners' Church of Detroit, and did also, by and in the said instrument, give and devise other real and personal estate as a fund for the building and en-

Preamble.

dowing said church, and did therein authorize and direct her executors or trustees appointed by the said will, to procure,—on or before a certain time therein named, not yet expired,—the said church to be incorporated, giving corporate powers in the first instance to such persons as her said executors or trustees should name, with the right of succession, and with such rights, powers and duties, and under such regulations and restrictions as will best fulfil and carry into effect the true intent, design and meaning of said will ;

*And whereas,* The said executors or trustees, in pursuance of the directors of the said will, have nominated and appointed Charles C. Trowbridge, as one of the nine persons on whom said corporate powers shall in the first instance be conferred ; wherefore, for the purpose of carrying into effect the pious and benevolent intentions of the testatrix in that behalf,

*Incorporation*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the said Charles C. Trowbridge, together with eight other persons hereafter to be named and appointed by said trustees in accordance with the provisions of said will, and their successors, be and hereby are incorporated as a body politic and corporate in deed and in law, by the name of the Trustees of the Mariners' Church of Detroit, and shall have a perpetual succession of members to be appointed in the manner hereinafter provided ; and shall have such officers and organization, not inconsistent with the provisions of said will, as may be prescribed by the rules and regulations of said corporation, and shall have a common seal, with power to break, alter, change and make anew the same ; and by its said name to sue and be sued, implead and be impleaded, answer and be answered unto, in any court of law or equity in this state, and to make such rules and by-laws, not repugnant and contrary to the law of the land, for the benefit and advantage of the said corporation, and for the order, rule, good government and management of the concerns of said corporation, and for regulating the services of the said church, in a manner in accordance with the provisions of the will of the donor, and employing, appointing, maintaining or dismissing pastors or ministers—and the pews, seats or slips in said Mariners' Church shall remain forever free from any assessment or rental.

*Powers and privileges of corporation.*

*Pews in church to be free.*

Sec. 2. That the said corporation shall be able and capable in law

to have, hold and receive, by purchase, gift or devise, any lands, tenements or hereditaments of what kind or nature soever, and to sell, alien, exchange or lease the same or any part thereof, as they shall think proper; and all the lands, moneys, stock and other personal estate given and devised by the said will of the said Julia Ann Anderson for the use and benefit of said Mariners' Church, shall vest in and be subject to the control and disposition of the said corporation for the use and purposes in said will mentioned, and for no other use or purpose; and the said corporation shall have the power to sell, alien, exchange or lease the said lands or any part thereof, except the said lot of ground devised as a site for said church, which shall not be sold, aliened or exchanged, and to receive and possess the rents and income thereof, and to have, receive, possess and retain all the moneys, stocks and other personal estate, and all securities for the same, and the interest and proceeds thereof which are or may be in the possession of the said executors of the said will, and which by the said will are given or intended to be given for the use and benefit of said church. That all questions which may arise touching the construction of any of the provisions of said will regarding said Mariners' Church, and the intent of the testatrix, the execution of the powers therein conferred or otherwise, may be heard, tried and determined by the supreme court of this state, which court shall have full jurisdiction in the premises, on a bill in chancery or a petition being filed for that purpose, by any one or more of said executors, trustees or corporators, in which case the co-executors, trustees or corporators shall be made defendants, and none of said parties shall be rendered incompetent as a witness in any such suit by reason of being a party thereto.

Corporation may take, hold and convey real estate, &c.

Church lot may not be sold.

Sup court to hear and determine questions as to powers and duties of corporation, &c.

Sec. 3. That if any member of said corporation shall remove his residence to the distance of more than ten miles from the city of Detroit, or shall absent himself for one year from the meetings of said corporation, it shall be lawful for the said corporation to declare the place of such member to be vacated; and in any such case, as well as in the case of the death or resignation of any member, the surviving or remaining members of said corporation shall proceed to elect a suitable person to supply any such vacancy in their number.

Vacation of office.

Sec. 4. That the said corporation shall elect a treasurer, who shall, in all things observe and obey the orders, directions and regulations

Officers.

made and prescribed by said corporation in regard to the custody, safe keeping, disbursements of, and accounting for the money and other funds of the corporation, committed or coming into his hands, and shall be required to give a bond with sufficient surety or sureties, to be approved by the said corporation, for the faithful discharge of his duties ; and it shall be lawful for the said corporation at its pleasure, to require of the said treasurer new or increased security, and also to remove him and appoint another in his place whenever they may deem proper.

Majority  
vote.

Sec. 5. That the said corporation, in the exercise of its powers, duties and functions, shall in all cases be governed by the vote and decision of a majority of the members thereof.

Sec. 6. That this act shall be given in evidence in the trial of any issue or cause, in any court of law or equity without special pleading.

Approved March 29, 1848.

#### No. 143.

AN ACT relating to depositions taken within this state.

Depositions  
to be used  
within this  
state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That depositions may be taken in the manner and according to the regulations provided in this act, to be used before any magistrates or other persons authorized to examine witnesses, in any other than criminal cases.

When may  
be taken.

Sec. 2. When a witness whose testimony is required in any civil cause pending in this state, shall live more than thirty miles from the place of trial, or shall be about to go out of the state, and not to return in time for the trial, or is so sick, infirm or aged, as to make it probable that he will not be able to attend the trial, his deposition may be taken in the manner hereafter provided.

Notice of tak-  
ing deposi-  
tions.

Sec. 3. At any time after the cause is commenced by the service of process or otherwise, or after it is submitted to arbitrators or referees, either party may apply to the justice of the peace before whom any such cause shall be pending, or to the circuit court commissioner, or any judge of the county or circuit court, within any county in this state where said cause shall be pending before any arbitrators or referees, or before any probate court, circuit or county court in the proper



county, who shall issue a notice to the adverse party to appear before him, the said justice, commissioner or judge, if the said witness is in the county where the cause is pending, at the time and place appointed for taking the deposition, and put such interrogatories as he may think fit, or such notice may be given by such party, and served upon such adverse party, without any such direct agency of such justice, commissioner or judge. And in case the witness resides in any other county in this state, then the party wishing to take the deposition of any such witness, may give like notice to the adverse party to appear before any justice of the peace, circuit court commissioner or judge of the county or circuit court of any other county in this state, and put such interrogatories as he may think fit, upon the examination of said witness.

Sec. 4. The said notice may be served on the agent or attorney of <sup>ibid.</sup> the adverse party, and shall have the same effect as if served on the party himself.

Sec. 5. The notice shall be served by delivering an attested copy thereof to the person to be notified, or by leaving such copy at his <sup>How served, time allow'd.</sup> place of abode, if served by any officer authorized to serve a subpoena, and when served by the party, by delivering a true copy of such notice, verified by the affidavit of the party serving the same, allowing in all cases, not less than twenty-four hours after such notice before the time appointed for taking the depositions, and also allowing time for his travel to the place appointed after being notified, not less than at the rate of one day (the first day of the week excluded,) for every twenty miles travel.

Sec. 6. The written notice before prescribed may be wholly omitted <sup>Notice may be waived.</sup> if the adverse party or his attorney shall, in writing, waive the right to it.

Sec. 7. The deponent shall be sworn or affirmed to testify the truth, the whole truth, and nothing but the truth, relating to the cause for which the deposition is taken, and he shall then be examined by <sup>Deponent to be sworn.</sup> the person before whom he is brought, and by the parties, if they think fit, and his testimony shall be taken in writing.

Sec. 8. The party producing the deponent shall be allowed first to examine him, either upon verbal or written interrogatories, on all <sup>mode of examination of witness.</sup> points which he shall deem material, and then the adverse party may

examine' the deponent in like manner; after which either party may propose such further interrogatories as the case may require.

**Deposition to be in writing.** Sec. 9. The deposition shall be written by the justice or by the deponent, or by some disinterested person, in the presence and under the direction of the justice, and it shall be carefully read to or by the deponent, and shall then be subscribed by him.

**Certificate to be annexed.** Sec. 10. The person taking the deposition shall annex to the deposition a certificate of the time and manner of taking it, the person at whose request, and the cause or suit for which it was taken, and the reason for taking it, and stating also whether the adverse party attended, and if not, returning with the said deposition the notice, if any, that was proved to the said justice to have been given to him.

**Deposition how to be disposed of.** Sec. 11. The deposition shall be delivered by the person taking the deposition to the court or arbitrators or referees, before whom the cause is pending, or shall be enclosed and sealed by him, and directed to them, and shall remain sealed until opened by the said court, arbitrators or referees.

**When not to be used.** Sec. 12. No such deposition shall be used, if it shall appear that the reason for taking it no longer exists: *Provided, however,* That if the party producing the deposition in such case shall shew any sufficient cause then existing for using the deposition, it may be admitted.

**Objections to competency of witness.** Sec. 13. Every objection to the competency or credibility of the deponent, and to the propriety of any question put to him, or of any answers made by him, may be made when the deposition is produced, in the same manner as if the witness were personally examined on the trial: *Provided,* That all objections to the competency of the witness on the ground of interest, shall in all cases be made at the time of taking such deposition, otherwise such objection shall not be allowed.

**When depositions may be used on trial.** Sec. 14. When the plaintiff in any suit shall discontinue it or become nonsuited, and another suit shall afterwards be commenced for the same cause, between the same parties or their respective representatives, or when any suit shall be appealed, all depositions lawfully taken for the first suit or the suit below, may be used on the second or on the appeal, in the same manner and subject to the same conditions and objections as if originally taken for the second suit or on the appeal: *Provided,* The deposition shall have been duly filed in the court where the first suit is pending, or in the court below.

Sec. 15. The courts may, from time to time, make such rules as they shall find proper and convenient, as to the time and manner of opening and filing depositions, and the same [safe] keeping thereof, and any other regulations concerning the taking and using of the depositions, and the safe keeping thereof, which may not be inconsistent with the provisions of law.

Courts may make rules as to opening depositions, &c.

Sec. 16. Any witness may be summoned and compelled to give his deposition at any place within the township in which he resides, or within fifteen miles of the place of his abode, in like manner, and under the same penalties as he may be summoned and compelled to attend as a witness in any court.

When witness may be compelled to give deposition.

Sec. 17. Depositions of witnesses residing out of this State and in the United States or Canada, may be taken and used in suits and proceedings before justices of the peace, in the same manner and under the same regulations, as near as may be, as are prescribed in this act, in such cases for taking depositions of witnesses residing in this State; but in such cases a certificate under the official seal of the county clerk of the county where taken, or of the clerk of the principal court of record for said county, or some other proper county officer, shall be attached to the deposition, showing the official capacity in which the person acted before whom the deposition was taken.

Commissioners to take depositions out of the state.

Sec. 18. Any person who expects to be a party to a suit to be thereafter commenced in any court of record, may cause the testimony of any witness material to him in the prosecution or defence of such suit, to be taken conditionally and perpetuated.

Perpetuating testimony.

Sec. 19. One of the causes mentioned in the second section of this act must exist to authorize such taking, and the deposition must be taken and certified before the same person, on the same notice and in the same manner as above provided for taking depositions in this state, and sealed up and delivered to the clerk of the county where taken, and so remain until ordered to be removed and opened by the court before whom such suit shall be pending, when it may be used, subject to any objection which could lie against it in case the suit had been pending at the time it was taken.

In what cases.

Sec. 20. Sections forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one and fifty-two, of chapter one hundred and two of the revised statutes, and the three sections added to said

Certain sections repealed.

chapter, after its seventeenth section, by act approved March seventeenth, eighteen hundred and forty-seven, are repealed, (saving any legal act done under them :) and this act shall take effect from and after its passage.

Approved March 29, 1848.

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No. 144.

AN ACT authorizing Robert Palmer and Morris S. Allen to build a dam across Grand River in the county of Clinton.

Dam authorized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Robert Palmer and Morris S. Allen, their heirs and assigns, are hereby authorized and empowered to build a dam across the Grand River on section thirty, in township five north, of range four west: *Provided*, Said dam be built within three years from the time this act takes effect.

Description of dam, &c.

Sec. 2. That the said dam shall not exceed eight feet above common low water mark, and shall contain a convenient lock, at least seventy-five feet in length and sixteen feet in width, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft, in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for all the purposes of the navigation of said river at all times.

Duties of owners.

Sec. 3. It shall be the duty of the owners of said dam, at all times, to keep said lock in repair, and to pass any water craft through the dam, free of toll and without unnecessary delay; and any person who shall be so detained shall be entitled to recover of the said owners double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Trespass on dam.

Sec. 4. Any person who shall destroy or in any wise injure said dam or lock, shall have been deemed to have committed a trespass upon the owners thereof, and be liable accordingly.

Rights of persons reserved.

Sec. 5. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs or assigns, to enter

upon or flow or otherwise injure the land of any person or persons without the consent of such person or persons, and the legislature may at any time hereafter, alter, amend or repeal this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

### No. 145.

#### AN ACT to incorporate the Quincy Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Eurotas P. Hastings, James A. Hicks and Milo Soule, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Quincy Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals, in the upper peninsula of the state of Michigan. Quincy mining company.

Sec. 2. The said company shall have corporate succession; and its capital stock shall be two hundred thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital stock &c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof, a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe. Officers.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose State tax—annual report required

the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

**1st meeting.** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit and the village of Marshall, at least thirty days before the time of such meeting.

**Subject to general laws** Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

**Lien of inhabitants of this state.** Sec. 7. The inhabitants of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Duration of charter.** Sec. 8. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be so construed as to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Approved March 30, 1848.

## No. 146.

AN ACT to incorporate the New York and Michigan Mining Company of Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lucius Lyon, Henry Ledyard, Charles G. Hammond, Israel Coe and E. R. Collins, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the New York and Michigan Mining Company of Detroit, Michigan, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each ; and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital stock  
real estate,  
&c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one ; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said New York and Michigan Mining Company of Detroit, Michigan. Officers.  
  
Assessment  
on shares.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their so- State tax.  
  
Annual re-  
port.

veral oaths, stating the amount which has been actually paid in on the stock of said company, and also, the whole amount of money which at any time has been borrowed by said company; and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

**1st meeting.]** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them, shall appoint by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

**Lien of inhabitants.** Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and ~~entire~~ property of said company for claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

**Subject to general provisions of rev statutes.** Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

**Business of Soc.** Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate.

**Duration of charter.** Sec. 9. This act shall continue in force for thirty years from and after its passage: *Provided*, That nothing in this act contained shall be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Approved March 30, 1848.



No. 147.

AN ACT to incorporate the Algonquin Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Hickok, Benjamin L. Webb, Charles Richmond, Asher S. Kellogg and H. Norton Strong, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Algonquin Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan. Incorporation

Sec. 2. The said company shall have corporate succession ; its capital stock shall be one hundred and fifty thousand dollars, divided into shares of fifty dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan, as the business of the company may require, to an amount not exceeding the capital stock of said company. Capital and real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one; a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Algonquin Mining Company. Officers.  
Assessments on stock.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed on the last preceding report of said company ; and for that purpose the president and secretary thereof shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock State tax.  
Annual report.

of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required : and such tax may be collected according to the provisions of law in such cases made and provided.

**1st meeting** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or any two of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.

**Lien of inhabitant.** Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**General provisions.** Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

**Business of Soc.** Sec. 8. The said company shall, within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State, a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

**Duration of charter.** Sec. 9. This act shall take effect from and after its passage, and shall continue for thirty years : *Provided*, That nothing in this act contained shall be so construed as to confer on said company any banking powers or banking privileges, or authorize them to deal in brokerage, or to give any powers whatever, except for the purpose herein specified.

Approved March 30, 1848.

## No. 148.

AN ACT to incorporate the Michigan Mining Company.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That* Gideon O. Whittemore, Alfred J. Boss, Henry Pratt, Joseph R. Bowman and Don C. Buckland, and such persons as may become associated with them, be and are hereby constituted and declared to be a body politic and corporate, with corporate succession, capable in law of suing and being sued in any of the courts of this state, by the name of the Michigan Mining Company, for the purpose of mining, smelting and manufacturing ores and metals. Incorporation

*Sec. 2.* The capital stock of said company shall consist of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each. Capital stock

*Sec. 3.* The officers of said company shall consist of a board of five directors, one of whom shall be president, and one of whom shall be a citizen and resident of this state, and upon whom all process against said company may be served, and which shall be deemed a sufficient service upon the said Michigan Mining Company; and such other officers as said board may appoint, pursuant to the by-laws of said company. Officers.

*Sec. 4.* Said board of directors shall hold their offices for one year, and until their successors shall be elected or appointed. Said board of directors shall be elected or appointed at such time and in such manner as the by-laws of the company shall prescribe. Any member of said board may be removed from his office, and his place may be filled in such manner as the by-laws shall prescribe, and the said company may make such rules, regulations and by-laws for the government of the company and the control of its officers and agents and for the conducting the business of the company, not inconsistent with the laws of this state, at any meeting of the stockholders thereof, as shall be deemed proper. All annual and other meetings of the company shall be called and held at such time, place and manner as the said company shall from time to time appoint, or as shall be prescribed by its by-laws. Said company shall have power to call in assessments upon the capital stock, and forfeit the said stock to the company for the non- Board of directors.  
By-laws.  
Annual meeting.  
Assessments on shares.

payment of any such assessment, and to sell such shares as may be forfeited, in such manner as may be directed by its by-laws. Each share of stock in said company shall be entitled to one vote, and the holders thereof may vote by proxy.

Business of  
Sec.

Sec. 5. The said company shall keep an office within this state for business, the location of which may be changed at the pleasure of the company, and when said office shall be established at any place, the president of said company shall, within one month thereafter, give notice thereof to the Secretary of State.

1st officers.  
1st meeting.

Sec. 6. The five persons named in the first section of this act shall constitute the first board of directors, and Gideon O. Whittemore shall be the first president. The first meeting of said company shall be at such time in the village of Pontiac as any three of said board shall appoint, giving first two month's notice thereof in one or more newspapers printed in the county of Oakland.

State tax.

Sec. 7. The said company shall pay to the treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose, the president and secretary thereof, shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company; which tax shall be in lieu of all the state taxes on the real estate of said company, and said tax shall be in lieu of all other taxes on the personal property of said company; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Annual re-  
port,

Lien of indi-  
viduals.

Sec. 8. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take pre-

cedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Sec. 9. This act shall continue in force for thirty years from and after its passage: and nothing in this act shall be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act; and the said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six.

Approved March 30, 1848.

No. 149.

AN ACT authorizing and requiring the Commissioner of the State Land Office to issue new certificates for school and university lands in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioner of the state land office be, and he hereby is authorized and required, upon being satisfied that no injury can result to the particular trust fund to be affected thereby, whether the same be the university or school fund; and upon the surrender of any original certificate of purchase of any university land, to issue one or more new certificates in lieu of said original ones, to the persons who shall exhibit to such commissioner satisfactory evidence of being entitled thereto, and upon receiving from any such person or persons the full amount of interest due upon such original certificate up to and including the last preceding annual payment required thereby.

Sec. 2. At the time of issuing any such new certificates, the said commissioner shall endorse thereon the proper credits, pro rata, and of their proper dates for all payments of principal and interest moneys theretofore made upon the original certificate thus surrendered, and the interest upon such new certificate shall be computed from the last annual payment due on the original certificate.

Sec. 3. The persons desirous of procuring such new certificate,

Applicant for  
new certifi-  
cate to pre-  
sent affidavit  
of supervisor.

shall in every case furnish the said commissioner, as the basis of his action, with the certificate of the supervisor of the township in which the lands are situated, verified by his oath, that he is acquainted with the true condition, quality, quantity and location of said lands, and the proposed division of the same, and that in his opinion such division could be made without injury to the university or school fund, as the case may be; and the said commissioner may require any other evidence which he may deem necessary, and whenever the grantee of any deed duly executed by a sheriff, and conveying the right, title and interest of any person holding a certificate for any university or school lands, shall present such deed at the land office and shall tender the balance of principal and interest due upon any such certificate, as the same shall appear from the books of said office, the commissioner thereof shall execute to such grantee, his heirs and assigns, a deed for the land described in such certificate, in the usual form, and the same shall be a full satisfaction and discharge of such certificate.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

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No. 150.

AN ACT concerning Divorce.

Revised stat-  
utes amend-  
ed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section eight of an act entitled an act to amend the revised statutes of eighteen hundred and forty-six, approved March 17, 1847, be and the same is hereby repealed, and the acts or parts of acts by said section amended or repealed, are hereby restored.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

## No. 151.

AN ACT to incorporate the Washtenaw Woolen Manufacturing Company in the County of Washtenaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George D. Hill, Fitch Hill, Luther Boyden, Elnathan Botsford, John Lowry, William S. Maynard and Orrin White, and their successors and associates, are hereby created a body corporate by the name of the Washtenaw Woolen Manufacturing Company, for the term of thirty years from the passage of this act, for the purpose of manufacturing woolen and woolen and cotton cloths in the township of Ann Arbor, and county of Washtenaw, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in the statute, prescribing the general provisions for corporations, except so far as the same may be modified and controlled by the terms of this act. Incorporat'n

Sec. 2. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, a part whereof not exceeding forty thousand dollars may be invested in real estate, which said corporation is hereby authorized to hold. Capital limited.

Sec. 3. Said corporation shall have a treasurer and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such terms as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties as the same may be prescribed in said by-laws, and shall give bond in such a sum and with such sureties as the said by-laws may prescribe, for the faithful discharge of his duty. Officers.

Sec. 4. The amount of the capital stock shall be fixed and limited by the corporation in the manner prescribed by the by-laws, not exceeding one hundred thousand dollars, and shall be divided into shares, and a record thereof be made by the treasurer; said shares shall be numbered in progressive order, beginning at number one; and every stockholder shall have a certificate under the seal of the corporation, and signed by the treasurer, certifying his property in such share as shall be expressed in the certificate: *Provided*, That the real estate which this company may hold shall be only such as shall be necessary for the corporate uses of said company. Capital fixed by company.

Sec. 5. Any shares may be transferred by the proprietor thereof,

Transfer of  
shares.

by a deed under his hand and seal, acknowledged by any officer duly authorized by law to take acknowledgments of deeds, and recorded by the treasurer of the corporation in a book to be kept for that purpose, and the purchaser named in such deed so recorded shall, on producing the same to the treasurer, and delivering to him the former certificate, be entitled to a new certificate, and from the entry of such transfer the new stockholder shall be under all the liabilities of the original stockholder.

Assessment  
on shares.

Sec. 6. Said corporation may, from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the amount at which such share shall be originally limited, and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Indebtedness  
of company  
limited.

Sec. 7. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in; and said corporation shall annually give notice in some newspaper printed in the village of Ann Arbor, of the amount of all the assessments laid by said corporation and actually paid in, and the amount of all existing debts, which notice shall be signed by the treasurer.

Liabilities of  
stockholders

Sec. 8. All the members of this corporation or manufacturing company shall be jointly and severally liable for all debts and contracts made by said company for services rendered to said company: *Provided*, That the joint property shall be first exhausted before the private property of any member of said company shall be taken.

Annual re-  
port.

Sec. 9. The company shall annually on or before the first Monday in January, make a report to the Secretary of State of the amount of the capital stock of said company, the amount paid in, the amount of all loans for the use of said company, and the amount of dividend upon the capital stock of said company.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.



## No. 152.

**AN ACT** to amend an act to incorporate the Pontiac and Genesee Rail Road Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That section two of an act entitled *Act amended* "an act to incorporate the Pontiac and Genesee Rail Road Company," approved May fifteenth, eighteen hundred and forty-six, is hereby amended by inserting after the word "million," in the third line of the printed act, the words "and five hundred thousand."

**Sec. 2.** That section four of said act be amended by striking out *Ibid.* the word "three," in the first line, and inserting the word "five;" also by striking out the word "ten," in the third line, and inserting the word "fifteen."

**Sec. 3.** That section seven be amended by adding thereto the following words at the end of the section : "In case any annual meet- *Annual meet- ing.* ing of the stockholders of said company shall not be or shall not have been holden, the charter of said company shall not thereby be forfeited, but the president and directors shall hold their offices until some succeeding annual meeting ; and it shall be competent to hold a subsequent annual or special meeting to elect a president and directors of said company."

**Sec. 4.** That section eleven of said act be amended by inserting after the words "any part of it," in the sixth line of said section, the words *Act amended* "and for the purpose of cuttings, embankments and excavations, and for the obtaining of stone, sand, gravel and timber ;" and also after the words "enter upon," in the said line, by striking out all the remaining part of the section and inserting the words "may take and appropriate as much more land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures in connection with and as appurtenances to said rail road, not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner provided by this act."

**Sec. 5.** That section twelve of said act be stricken out and the following provisions inserted instead thereof : "The said company, and *Ibid.* under their direction, their agents, servants and workmen, are hereby

be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, or if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit ; such notice shall describe the land proposed to be taken by the company or touching which damages are to be assessed, by the section or quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description ; and any irregularity or defect touching such notice, shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise : evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact ; such affidavit when made within three months after the last publication of such notice, shall be prima facia evidence of the facts therein set forth.

*New section.*

Sec. 9. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner, to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk ; and the twelve names so drawn from the petit jury box, shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, and in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately

summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company and the other to the party claiming compensation ; and the property taken and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and the map thereof shall be set forth in such inquisition, and such inquisition shall be filed in and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed the same shall be recorded by the clerk of said court at the expense of said company, but if not confirmed, another inquisition may be taken in a manner above specified.

Sec. 10. And the money assessed as the valuation in any such inquisition which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof, for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such lands, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the

New section.

same, and the state treasurer shall receive and keep account of all moneys so received into the state treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which or the full right of use and occupancy whereof for the purposes of said company in manner aforesaid shall not have been duly relinquished to or vested in said company; then in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed, and the commissioner or judge issuing the warrant, and sheriff, coroner, constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them, to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which cost shall be paid by said company.

Act amended

Sec. 11. That section thirteenth of said act be stricken out, and the following provision be inserted in lieu thereof: "Whenever it shall be necessary for the construction of their rail road to intersect or cross any stream of water or water course, or road or highway, lying on the route of the said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same: *Provided*, That the said company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness."

Revised.

Sec. 12. That section sixteenth in said act be amended by striking out in the sixth line of said section, the words "power to charge," and insert in lieu thereof, "full power and authority to demand, recover and take the dues;" and after the word "incorporated," in the sev-

enth and eighth lines of said section, insert the words "for their own proper use and benefit, on all goods, merchandise and passengers using or occupying said rail road or any other convenience, erection or improvement, built, occupied or owned by said company, to be used therewith, and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known."

Sec. 13. And that said act be further amended as follows: "It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company, at such times and in such proportions and on such conditions as they shall deem proper and necessary, in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation; and the treasurer shall give notice of all such assessments in the same manner as is provided in section eight of this act for the assessment of damages, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after the time specified in such notice for the payment thereof, the president and directors of said company or a majority of them, shall have power to provide by by-laws of said corporation for the forfeiture to the company, and for their benefit and use, of all such share or shares of stock upon which such assessment shall not have been paid as above provided, together with all previous payments which may have been made thereon.

Section added, assessment on shares of stock.

Sec. 14. That section twenty-third be amended by striking out all of said section after the word "company," in the seventh line, and insert in lieu thereof the following: "And any inhabitant of this state shall have a lien upon all the personal property of said company for all

Act amended

dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after the lien of the state, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said company."

**Repeal, &c.**

Sec. 15. Strike out section twenty-five and insert the following in lieu thereof: Sec. 25. The legislature may at any time alter, amend or repeal the charter of said company, after the thirty years from the passage of this act, or at any time for a violation of their charter, by a vote of two-thirds of each house.

Sec. 16. This act shall take effect and be in force from and after its passage.

Approved March 30, 1848.

### No. 153.

AN ACT to provide for the distribution of the annual reports of the state officers among the members and officers of the Legislature.

**Duty of state printer.**

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the printer of the laws of this state to deliver to the Secretary of the Senate and to the Clerk of the House of Representatives, on the fourth day of the session of the legislature in each year, or as soon thereafter as possible, the number of copies of the annual reports of the several state officers as by law each house shall be entitled to receive; and the said printer shall take the receipt of the said Secretary and Clerk for the number of copies of said report so delivered to them respectively, and shall not be entitled to receive pay for printing a greater number of said reports for the use of the legislature, than the number so delivered and receipted for by them.

**Duties of sec. of senate & clerk of house.**

Sec. 2. That it shall be the duty of the Secretary of the Senate and Clerk of the House of Representatives to cause to be distributed equally among the members and officers of their respective houses, the reports so received and receipted for by each of them.

Approved March 31, 1848.

## No. 154.

AN ACT to authorize the Commissioner of the State Land Office to convey to Hiram Burnham certain lands selected for saline purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized and directed to issue to Hiram Burnham a certificate of purchase of and for the west half of the north west quarter of section twelve, in township four south, of range five east, the same being a portion of the lands selected by this state for saline purposes, upon receiving at any time within one year after the selection of said land shall be confirmed to this state, from said Burnham, the sum of four dollars per acre with interest from the date of the confirmation of said selection to the state of Michigan: *Provided*, That this act shall not be so construed as to deprive the state of Michigan of the privilege at any and all times to use for saline purposes any spring or springs on said lands.

Approved March 31, 1848.

## No. 155.

AN ACT to provide for the improvement of the Detroit and Grand River Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the Detroit and Grand River road, which lies between the capitol of this state and the point where the said Grand River road crosses the Thornapple river in the county of Kent. 7000 acres int. imp. land appropriated on Grand River road.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner before entering thereon. Special commissioner.

Sec. 3. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvements Powers and duties of such commissioner.

specified by this act, and shall have power to superintend the same in person, or let out by contract any job or jobs therefor to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work according to the stipulations of said contract.

Proposals for  
jobs, &c.

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

Payment of  
contractors.

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such service, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which said warrants shall be receivable at the office of the Commissioner of the State Land Office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any such lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres.

Compensation of com'r  
and audit of  
his acct, &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day payable pro rata from the said appropriation, and shall render to the Auditor General an account of all services necessarily rendered by him, by virtue of the provisions of this act, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of said services, which shall be receivable by the Commissioner of the State Land Office in payment of any land contemplated by the provisions of this act.



Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

No. 156.

AN ACT appropriating certain internal improvement lands for laying out and improving a state road from Lapeer, in Lapeer county, by the village of Almont, to St. Clair in St. Clair county, and which, by intersecting with the Fort Gratiot turnpike shall open a communication from the village of Almont to the village of Port Huron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand five hundred <sup>7500] acres  
int imp. land  
appropriated</sup> acres are hereby appropriated from the internal improvement lands belonging to the state, for the purpose of laying out, establishing and improving a state road from the village of Lapeer in the county of Lapeer, by the way of the village of Almont, to the village of St. Clair in St. Clair county: *Provided*, That three thousand acres of this appropriation shall be judiciously expended on that part of the road in Lapeer county, and four thousand five hundred acres in like manner in St. Clair county.

Sec. 2. The state road contemplated in the preceding section of this act, shall commence at the village of Lapeer, running thence a south-easterly course to the village of Almont, thence easterly and south-easterly to the village of St. Clair, (having reference to the nature of the ground and practicability of construction,) on the most feasible route, and intersecting the Fort Gratiot turnpike at some point in the <sup>Route of ro'd</sup> township of St. Clair.

Sec. 3. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special <sup>Special com-  
missioner.</sup> commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and shall file a bond with sureties to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner.

Sec. 4. The said special commissioner shall in virtue of his appointment have the control and management of the several improvements <sup>Powers and  
duties of  
com'r.</sup>

specified in this act, and shall have power to let out by contract the building of any bridges on the route of said road, and opening and working of said road to the lowest bidder, who shall execute to said special commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the said contract : *Provided*, That before the letting, the said commissioner shall advertise for proposals for the constructing any such bridges as may be necessary on the line of said road, and the opening and working of said road or any part of said road, in separate sections, describing the same, by posting up in three of the most public places in each of the towns through which said road shall run, for at least four weeks previous to the letting of said contracts.

Pay of contractors and others.

Sec. 5. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said commissioner to pay said contractor according to the terms of his contract, or for any such service, by his order drawn on the Auditor General, who shall receive the same and issue his warrant drawn against the internal improvement lands, which shall be payable in such lands : *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said land at a less price than that now established by law for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Power of com'r, &c.

Sec. 6. For the purpose of laying out, opening and improving said road, said commissioner shall possess the power now conferred by law upon the highway commissioners of the several townships through which said road runs, and for settling and adjusting all claims for damages done by persons interested in the lands through which said road shall be laid, he may apply to a justice of the peace of the proper township or an adjoining township, for the appointment of three disinterested appraisers, and the same proceedings shall thereupon be had in all respects as are now provided by law for the settlement of like cases by highway commissioners.

Sec. 7. The said commissioner shall cause an accurate map and field notes of the survey of said road, or so much thereof as may be included within the limits of each township, to be filed in the office of the proper township clerk or clerks, who shall record the same in the manner now provided by law for recording public highways. Com'r to file survey, &c.

Sec. 8. Said commissioner shall proceed to the outlay of the appropriations made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriations, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any of the lands selected and reserved from sale by virtue of section three of this act. Compensation & acc't of com'r, &c.

Sec. 9. This act shall take effect from and after its passage.

Approved March 31, 1849.

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No. 157.

AN ACT to amend an act to establish a Board of Auditors to investigate certain claims growing out of the sales of Primary School Lands, University and Internal Improvement Lands, &c., approved March 24, 1845.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section two of said act be so amended as to read as follows: "It shall be the duty of said board hereafter to meet on the first Monday in February and the first Monday in July in each year at the state land office, and when so convened the board shall proceed to examine into all claims and applications for relief growing out of the sales of the lands aforesaid, which may have been filed with the Commissioner of the State Land Office, at least ten days previous to said meeting, and shall enter a full settlement and adjustment of all such claims and applications for relief as may be

Board of au-  
ditors on land  
claims.

deemed just and equitable by said board, having in view the interest of the different funds for which the lands aforesaid were originally appropriated, and the just and equitable relief which each particular case may demand : *Provided*, That the decision and awards of said board be first approved by the Governor of this state : *Also provided*, That the provisions of the act hereby amended shall not preclude any person who may find himself or themselves aggrieved by the decisions and awards of said board from applying at any time after such decisions and awards to the legislature for relief in their respective cases, and in no case shall an order be issued for refunding money to the purchasers of any of the lands above mentioned, their heirs or assigns, unless sanctioned by an act or resolution of the legislature : *And provided further*, That whenever any claim for relief shall be filed in the office of said Commissioner as above prescribed, it shall be his duty forthwith to notify the other members of the said board of the same, whose duty it shall be on the receipt thereof to meet at the office of said Commissioner at the stated times above specified to examine into the matter. But in no case shall they be required so to meet unless notified by said Commissioner as above prescribed.

Approved March 31, 1848.

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No. 158.

AN ACT for the improvement of a cartain road located in the southern tier of townships in the county of Kalamazoo.

2000 acres  
int. imp.  
lands appro-  
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That two thousand acres of internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of opening and improving a road extending from the quarter post on the east side of section twelve, in town four south, of range nine west, to the village of Vicksburg, so called, on the portage of St. Joseph river.

Special com-  
missioner.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of this state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be ap-

proved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Sec. 3. The said special commissioner shall have the exclusive control and management of the improvement contemplated in this act, with power to let by contract the working and improvement of said road, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before the letting of any such work or improvement, the commissioner aforesaid shall advertise for proposals for opening and improving said road, or any part thereof in separate sections or jobs, describing the same, and cause such advertisement to be published at least three weeks successively in some newspaper printed in the county of Kalamazoo.

Powers and  
duties of  
such com'r.

Sec. 4. Whenever any contractor under the preceding sections of this act shall have finished his job according to the terms and conditions of his contract, and the same shall have been accepted by said special commissioner, it shall be the duty of said commissioner to pay said contractor for any such service or work, by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands; and said warrants shall be receivable at the state land office in payment for any lands belonging to the state not otherwise appropriated, at one dollar and twenty-five cents per acre; but no certificate or warrant shall be drawn for any less quantity than forty acres.

Payment of  
contracture  
and others.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation hereby made with as much diligence and dispatch as shall be compatible with proper economy, and shall render to the Auditor General an account verified by his oath, of all service by him thus rendered, and shall receive for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in discharging the duties imposed upon him by virtue of this act, payable from the appropriation hereinbefore made, by the warrant of the Auditor General drawn upon the Commissioner of the Land Office.

Com'r to ren-  
der acc't to  
Aud. Gen'l,  
&c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

## No. 159.

AN ACT appropriating certain internal improvement lands for the purpose of improving the Pontiac and Grand River state road, from the village of Pontiac, in the county of Oakland, to the village of Byron, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That four thousand acres of the internal improvement lands belonging to this state be and the same are hereby appropriated for the purpose of improving the Pontiac and Grand River state road, one thousand acres thereof to be laid out in the county of Genesee, and three thousand acres thereof to be laid out in the county of Oakland.

800 acres  
int. imp.  
lands appro-  
priated.

Special com-  
missioner.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Duties of  
com'r.

Sec. 3. The special commissioner shall have the control and management of the improvement of said road, and may superintend the outlay of said appropriation in person, and for that purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said improvement to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall post up notices in three of the most public places in the township where such work is to be done, at least twenty days before the letting of said job.

Payment of  
contractors  
and others.

Sec. 4. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased, said commissioner may draw his orders upon the Auditor General, for warrants payable in internal improvement lands, which said warrants shall be received in the state land office in payment for any such lands not withheld from sale or otherwise appropriated: *Provided*, That the aggregate orders so drawn by said commissioner shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the state, and shall receive as a compensation for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of commissioner and audit of his accounts.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

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No. 160.

AN ACT to provide for laying out and improving certain roads in the county of Clinton, and making appropriations of internal improvement lands therefor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That six thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving certain roads in the county of Clinton, as follows, viz: three thousand acres thereof upon a road to be laid out from the village of Dewitt to the village of Mapleton in the township of Duplane, crossing the line of the northern rail road at or near the residence of Stephen W. Downer; also one thousand acres thereof for the laying out and improving a branch of said last mentioned road commencing at a point where it intersects the northern rail road line, and running thence to the north-east corner of section twenty-five in the township of Essex, and from thence on the most direct and eligible route to a point at or near the centre of the township of Greenbush in said county of Clinton; and also two thousand acres of said land, for the laying out and improving a road from the village of Dewitt, through the German settlement in Westphalia, to Lyons in the county of Ionia, said appropriation to be expended within the limits of the county of Clinton.

6000 acres  
int. imp.  
lands appropriated.

Sec. 2. For the purpose of laying out and establishing the said sev-

**Special commissioner.** eral roads, and of opening and improving the same by the outlay of the above appropriations, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

**Powers and duties of comm'r.** Sec. 3. The said special commissioner to be appointed by the provisions of this act, shall be authorized to lay out and establish the line of the said several roads in this act specified, and shall cause a map and survey of said roads to be made, and shall cause so much thereof, with the proper field notes, as lie within the limits of any township, to be filed for record in the office of the clerk of such township, in the manner now provided by law for recording public highways, and thereupon the same proceedings shall be had for the procuring of the right of way, and for ascertaining and settlement of all claims for damages by any person or persons interested in lands through which either of said roads are laid, as are now provided in like cases of laying out and opening highways by commissioners of highways.

**Rd.** Sec. 4. The said special commissioner shall, by virtue of his appointment, have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said roads to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties to be approved by him, and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published at Michigan in the county of Ingham.

**Payment of contractors.** Sec. 5. Whenever any contractor under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Auditor General for warrants



drawn against and payable in internal improvement lands, which said warrants shall be received at the state land office in payment for any such land not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of com'r and audit and allowance of his account.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

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No. 161.

AN ACT to authorize Daniel S. Lee, Charles P. Bush and John Thomas to erect and maintain a dam across the Grand River in the county of Ingham.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for Daniel S. Lee, Charles P. Bush and John Thomas, their heirs and assigns, and they are hereby authorized to erect and maintain a dam not exceeding eight feet in height above common low water mark, across the Grand River on sections twenty or twenty-one, in township four north of range two west, in Ingham county.

Dam across Grand River authorized.

Sec. 2. The owners or occupant of said dam shall construct a good and convenient lock, at least eighty feet long and eighteen feet wide, for the passage of all boats, barges, rafts or other water craft that may navigate said river, and shall be so constructed as to receive such boats and other water craft in slack water of sufficient depth below said dam, and to pass them to slack water of sufficient depth above said dam, for

Description of dam, lock, &c.

all the purposes of the navigation of said river at all times, whenever the circuit or county court shall order the same to be done, upon good cause shown: *Provided*, That at the time of the construction of said dam there shall be constructed therein or thereat a convenient chute or slide for the passage of all craft navigating said river.

Duties of  
owners or  
occupants

Sec. 3. It shall be the duty of the owners of said dam at all times to keep said lock in repair, and to pass any water craft through the dam, free of tolls and without unnecessary delay; and any person who shall be detained shall be entitled to recover of the said owners double the amount for the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with costs of suit.

Trespass on  
dam, &c.

Sec. 4. Any person who shall destroy or otherwise injure said dam, shall be deemed to have committed a trespass on the owner or owners thereof, and shall be liable accordingly; but nothing in this act contained shall be construed to affect the rights of individuals whose property may be injured by reason of the erection or continuing said dam; and this act may be amended or repealed at any time by the legislature.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved March 31, 1846.

#### No. 162.

AN ACT to authorize the minor heirs of Sophia Howell, late of Hillsdale county deceased, to convey certain real estate.

Certain in-  
crease may  
convey.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Elisabeth G. Howell, William Howell, Sophia E. Howell and Mary A. Howell, infant children under the age of twenty-one years each of Sophia Howell, late of Hillsdale county deceased, are hereby authorized and empowered, under the direction and approval of the judge of probate of Hillsdale county or the presiding judge of the circuit court of said county, which approval shall be endorsed and signed by him on the instrument of conveyance, to convey all the right, title, interest and claim of said infant children, upon such terms and for such consideration, to be paid, se-

cured, or invested to them and each of them and for their benefit, as to such judge of probate or presiding judge of the said circuit court shall seem just and equitable, to Caroline Olds of said county of Hillsdale, in and to "the south-east quarter of the north-east quarter of section number thirty-four, and the west half of the south-west quarter of the north-west quarter of section number thirty-five, township five south of range three west, in the county of Hillsdale, containing together sixty acres;" which conveyance, when so made agreeably to the provisions of this act, by themselves, or by such guardian as shall be appointed for them or either of them for that purpose by the said judge of probate or presiding judge of said circuit court, shall be valid in law to convey all the title and interest of the said Elisabeth G. Howell, William Howell, Sophia E. Howell and Mary A. Howell in said premises to the said Caroline Olds.

Sec. 2. Such conveyance, when so made, may be recorded by the register of deeds of Hillsdale county, as other deeds executed agreeably to the provisions of existing laws.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

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No. 163.

AN ACT to empower the judge of probate of the county of Berrien to authorize the sale of certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judge of probate of the county of Berrien may, in his discretion, authorize and empower John Orr, administrator of the estate of Henry Blondeel deceased, to sell and convey by deed the following described real estate of said deceased, to wit: lot number fourteen (14) in Green and Hoffman's addition to the village of Niles, lying in said county of Berrien: *Provided*, The said judge of probate is satisfied that it is for the interest of all persons interested in said lot to sell the same.

Sec. 2. The said administrator shall, before selling said real estate, take the oath and give the bond now by law required of administrators, on selling real estate of deceased persons.

Sec. 3. The sale to be made by auction, for cash, after giving two weeks public notice, and the money arising from the sale to be loaned on bond and mortgage upon unincumbered real property, worth three times the sum loaned, at interest, by said John Orr; the bond and mortgage to be taken in his name as trustee for the heirs of said Henry Blondeel, deceased.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved March 31, 1848.

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No. 164.

AN ACT relative to the filing of oaths of office, and bonds of civil officers, &c.

Certificate  
of filing of  
certain oaths  
and bonds to  
be filed with  
sec. of state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That when any civil officer appointed by the Governor or Senate, or by the Governor with the advice and consent of the Senate of this state, is required by law to give bond and to file the same with any other officer than the Secretary of State, he shall procure the certificate of such officer that such bond has been duly filed with him, and file the same with the Secretary of State.

Sec. 2. When any such officer is required by law to give bond for the faithful performance of the duties of his office, and no provision is made by law for filing the same with any particular officer, such bond shall be filed with the Secretary of State.

Time for fi-  
ling oath and  
bond.

Sec. 3. Every such officer, except where otherwise directed by law, shall file his oath of office and certificate or bond aforesaid, as the case may be, within sixty days from the receiving of his commission or appointment; and in default thereof, such commission or appointment shall be null and void: *Provided*, That officers appointed in and for the counties of Mackinaw, Chippewa, Schoolcraft, Houghton, Ontonagon and Marquette, shall file their oaths, certificates and bonds provided, as herein within ninety days from their appointment or commission.

Approved April 1, 1848.

No. 165.

AN ACT to provide for laying out and establishing certain state roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That J6seph B. Bloss, Peter Miller and Sedgwick P. Stedman be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Flint in the county of Genesee, via. Miller Settlement, Shiawassee town and Hartwellville, to Michigan in the county of Ingham.

Commissioners to lay out road from Flint to Michigan.

Sec. 2. That Charles P. Bush, Orrin Sharpe and Daniel Cook be and they are hereby authorized and appointed commissioners to lay out and establish a state road, commencing at a point at or near the south quarter post of section sixteen in the town of Lansing, county of Ingham, on the most eligible route through the towns of Lansing, Delhi, Aurelius and Onondaga, to the base line, and from thence to the village of Tompkins in the county of Jackson.

Lansing to Tompkins.

Sec. 3. That Joseph Harris, John P. C. Riggs and Corydon Lee be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Fentonville in the county of Genesee, to Byron in the county of Shiawassee, by the way of the village of Linden, on the most eligible route.

Fentonville to Byron.

Sec. 4. That there shall be laid out and established a road in the counties of Ottawa and Kent, commencing at Mill Point (so called) in the township of Norton in the county of Ottawa, and running thence eastwardly on the north side of Grand River to Grand Rapids in the county of Kent, and William M. Ferry, of Grand Haven, and Israel V. Harris, of Polkton, Ottawa county, and George L. Norton, of Walker, Kent county, are hereby appointed commissioners to lay out and establish said road, and are vested with full powers for said purpose.

Mill Point to Gr'd Rapids.

Sec. 5. The expense of laying out said roads shall in no way be chargeable to the state of Michigan.

State not liable for expense.

Sec. 6. It shall be the duty of the commissioners appointed by this act to lay out and establish the several roads, to cause a map to be made of so much of the same as shall be laid through each township, with the courses and distances plainly designated thereon, which shall be certified by them, or a majority of them, and recorded in the office of the township clerk of the township through which it shall run.

Duties of com'rs.

Damages assessed, &c.

Sec. 7. The owners of lands through which said roads may pass shall be entitled to an appraisal and assessment of damages, and to compensation therefor, in the same manner, in every respect, as if such road was laid out by highway commissioners of the township through which the same may run.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

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No. 166.

AN ACT to provide for laying out and establishing certain state roads.

State road from Byron to Lansing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Harvey T. Lee, of Byron, John Thomson and James M. Cummings be and they are hereby authorized and appointed commissioners to lay out and establish a state road on the most eligible route from the village of Byron in the county of Shiawassee, to the capital of this state.

Marshall to Lansing.

Sec. 2. That David H. Miller, Henry A. Shaw and John D. Olcott be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Marshall in the county of Calhoun, by the way of Duck Lake and Eaton Rapids, to the capital of this state.

Flint to Lansing.

Sec. 3. That Alexander McArthur, Jonathan M. Hartwell and Luke H. Parsons be and they are hereby authorized and appointed commissioners to lay out a state road from the village of Flint in the county of Genesee, by the way of the village of Corunna in the county of Shiawassee, to the capital of this state, or to such other point, touching any road leading to the capital, as the said commissioners or a majority of them may deem proper.

Corunna to Shiawassee town.

Sec. 4. That J. B. Bloss, Simon Z. Kinyon and Isaac Castle be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Corunna in the county of Shiawassee, on the most eligible route to a point at or near where the present traveled road leading from said village of Corunna to Shiawassee town, touches the Shiawassee river.

Sec. 5. That James Seymour, Alexander McArthur and Luke H. Parsons be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of <sup>Corunna to</sup> ~~Corunna~~ in the county of Shiawassee, on the most eligible route to the village of Flushing in the county of Genesee.

Sec. 6. The expense of laying out said roads shall in no way be chargeable to the state, and the acts of a majority of said commissioners herein appointed to lay out and establish the several roads authorized to be laid out and established, shall be valid. <sup>State not liable, &c.</sup>

Sec. 7. It shall be the duty of the commissioners appointed by this act to lay out and establish the several roads, to cause a map to be made of so much of the same as shall be laid through each township, with the courses and distances plainly designated thereon, which shall be certified by them, and recorded in the office of the township clerk through which it shall run. <sup>Duty of com'rs.</sup>

Sec. 8. The owners of lands through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township through which the same may run. <sup>Damages.</sup>

Sec. 9. It shall be the duty of the commissioners of highways in the several townships through which the several roads may pass, to open and work said roads in the same manner, and by virtue of the same law, as township roads are required to be opened and worked: *Provided*, That the right of way first be obtained as provided in this act. <sup>Duty of highway com'rs.</sup>

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

### No. 167.

AN ACT to incorporate the New England Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Garwood T. Sheldon, J. P. C. Emmons, of Michigan, and Amos Thompson, of Boston, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the New England Mining Company, for the <sup>Incorporat'n</sup>

purpose of mining, smelting and manufacturing ores, minerals and metals in the state of Michigan.

**Capital stock  
real estate,  
&c.** Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the state of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company.

**Officers.** Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

**Assessment  
on shares.**

**State tax.** Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be estimated on the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all other state taxes upon the real estate of said company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

**Annual report.**

**1st meeting.** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section, or a majority of them shall appoint, by a notice to be published in one or more newspapers in the city of Detroit, at least thirty days before the time of such meeting.



Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable. General provisions.

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company. Lien of inhabitants.

Sec. 8. This act shall be and remain in force for thirty years ; but nothing herein contained shall be construed to give the said company any banking powers or banking privileges, dealing in brokerage or exchange, in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act. Duration of charter.

Approved April 1, 1848.

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No. 168.

AN ACT to incorporate the National Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George W. Rogers, James Andrews, Morgan L. Drake, James A. Weeks, Henry B. Marsh, and such other persons as may become associated with them, are hereby constituted a body corporate, by the name of the National Mining Company, for the purposes of mining, smelting and manufacturing ores, minerals and metals ; and as such body corporate shall have continual succession, and be capable of suing and being sued in any of the courts of this state. Incorporation

Sec. 2. The said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable. Subject to general laws

Sec. 3. The capital stock of said company shall consist of three hundred thousand dollars, to be divided into six thousand shares of fifty dollars each. The said company may make assessments upon the shares of stock, and forfeit and sell the same for non-payment of such assessment, in such manner as the by-laws may prescribe. Said company may at any meeting thereof make and adopt such orders, Capital stock &c.

regulations and by-laws, not inconsistent with the laws of this state, as it may deem proper for the business and government of the company.

**Officers.**

Sec. 4. The officers of said company shall consist of a board of five directors, and such other officers as said board shall, pursuant to the by-laws, appoint. One of said board of directors shall be a citizen and resident of the State of Michigan, upon whom service of all process against the company may be made, and shall be deemed sufficient service upon the company. Said board of directors shall hold their office for one year, and until their successors shall be appointed or elected.

**Meetings of  
stockholder.**

Sec. 5. All annual and other meetings of said company shall be held at such time and place, and be called in such manner, as the by-laws shall prescribe. All vacancies in the said board of directors shall be filled, and said directors or any of them may be removed in such manner as the by-laws shall direct, and at all meetings of said company each share of the stock shall be entitled to one vote, which may be made by proxy.

**Lien of inhabitants  
of this state.**

Sec. 6. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands against said company, to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgment or decrees, liens or mortgages against said company.

**State tax.**

Sec. 7. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent on the whole amount of capital actually paid in upon the capital stock of said company, and upon all sums of money borrowed by said company, until the same shall be paid, which tax shall be paid on or before the first Monday in July in each year, and shall be assessed upon the last preceding report of said company; and for that purpose said company shall, on the first day of January in each year, or within fifteen days thereafter, make a return to the State Treasurer, under oath, stating the amount actually paid in on the capital stock of said company, and the amount of unpaid borrowed money by said company, which tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company; and any investment

**Annual report.**

of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

Sec. 8. The persons named in the first section of this act shall be the first directors of said company, and George W. Rogers shall be the first president. The first meeting of said company shall be held at such time and place as any three of said directors may appoint, of which thirty days' notice shall be given in one or more newspapers printed in the county of Oakland.

Officers.

Sec. 9. Nothing in this act shall be construed to confer on said company any banking powers or banking privileges whatever, or for any transaction in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Business of  
office.

Sec. 10. The said company shall keep an office for business within the State of Michigan, the location of which shall be from time to time, as the same may be changed, certified by the president of the company to the Secretary of State, and within one month after such location shall be made; and all process against said company may be served upon the person having charge of the books, papers and business of such office, and which shall be deemed a sufficient service upon said company.

Sec. 11. This act shall take effect and continue in force for thirty years from and after its passage.

Duration of  
charter.

Approved April 1, 1848.

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No. 169.

AN ACT to incorporate the Ann Arbor Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Kingsley, Jonathan H. Lund, Frederick Richmond and Sumner Hicks, their associates and successors, are hereby enacted for the time of fifty years, a body corporate by the name and title of the Ann Arbor Manufacturing Company, for the purpose of manufacturing woolens and woollen and cotton cloths in the village of Ann Arbor and county of Washtenaw, ca-

Incorporation

pable of exercising all the powers, entitled to all the privileges and subject to all the requirements specified in chapter fifty-five of the revised statutes.

**Officers.**

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company shall be made, and the same shall be deemed a valid service thereof upon said Ann Arbor Manufacturing Company, and such other officers and agents as the members of said company may determine to be appointed, in such manner and for such term as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duty.

**Capital and real estate.**

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be numbered and registered, and the certificates issued by the treasurer to the person entitled to receive the same. Twenty-five thousand dollars of said capital stock may consist of real estate, which said corporation is hereby authorized to acquire, hold and convey.

**Assessments on stock.**

Sec. 4. Said corporation may at any regular meeting called for that purpose, assess upon each share such an amount as the company shall deem proper, not exceeding in the whole the nominal amount of said share, and such sum so assessed shall be paid to the treasurer at such times, and in such manner as the corporation shall direct.

**Indebtedness of company.**

Sec. 5. The whole amount of debts which said company shall owe at any one time shall not exceed the amount of the capital stock actually paid in.

**Annual report.**

Sec. 6. On or before the first Tuesday of January in each year it shall be the duty of the treasurer of said company to make a report to the Secretary of State, verified by oath, showing the amount of their capital stock paid in, and the amount of all its debts and liabilities.

**Lien of inhabitants.**

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars, against said company, originally incurred or contracted within this state, which shall take precedence of all other claims, judgments or decrees, liens or mortgages against said company.

Sec. 8. This act shall take effect from and after its passage.

Approved April 1, 1848.

No. 170.

AN ACT to establish a state road from the village of Fentonville, in Genesee county, to Springfield, in Oakland county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That David Smith, Daniel Donaldson and Francis Baker, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Fentonville, in the county of Genesee, to Springfield, in the county of Oakland, upon the most direct and eligible route. Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass, as shall be laid out in such township; and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded, and post the notices as required by law. Duties of com'rs.

Sec. 3. The state shall in no case be chargeable with the expense of laying out and establishing said road, and in case the said road shall not be surveyed and recorded as herein provided, within two years from the passage of this act, the provisions contained in this act shall be void. State not liable.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

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No. 171.

AN ACT to change the names of certain religious societies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the First Presbyterian Society of the village of Dexter, is hereby changed to that of the First Congregational Society of said village.

Sec. 2. That the name of the First Baptist Society of the town of Bristol in the county of Lapeer, is hereby changed to the First Baptist Society of the township of Almont.

Approved April 1, 1848.

## No. 172.

AN ACT to extend the time for perfecting sales on property levied upon for delinquent taxes for the year eighteen hundred and forty-seven in the village of Pontiac.

Duties of  
marshal of  
Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the marshal of the village of Pontiac be and he is hereby authorized to make advertisement and sale of all non-resident lands in the village of Pontiac delinquent for the taxes of the year eighteen hundred and forty-seven, levied by virtue of the charter and by-laws of said village, in pursuance of the charter of said village and the by-laws of the same, and the same shall have the effect and force of advertisements and sales perfected by virtue of the said charter and by-laws: *Provided*, Such advertisements and sales are perfected within sixty days from the expiration of the term of office of said marshal.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

## No. 173.

AN ACT to provide for funding the outstanding internal improvement warrants of this state and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds.

Bonds to be  
issued on  
surrender of  
internal imp.  
warrants.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That upon the surrender of any outstanding warrants on the internal improvement fund, at the state treasury, the holder thereof shall be entitled to receive from the Governor of this state, certificates of stock or bonds for the amount due on said warrants with the interest computed up to the first day of January next.

Denominat'n  
of bonds,  
when pay-  
able.

Sec. 2. The stock provided for in the first section of this act, shall be issued in bonds of fifty, one hundred, two hundred, five hundred and one thousand dollars, at the option of the party surrendering the warrants therefor; said bonds shall be drawn payable, principal and interest, at the state treasury; they shall be made payable and redeem-

able on the first day of January, eighteen hundred and seventy, and shall bear interest at the rate of six per cent. per annum, from the first day of January eighteen hundred and forty-nine, payable semi-annually on the first day of July and January thereafter, until the maturity of said bonds or the redemption of the principal: *Provided*, That the legislature may at any time after the first day of January, eighteen hundred and fifty, determine by law that said bonds or any portion thereof, designating the same by their respective amounts, dates and numbers, shall be redeemable forthwith or at any definite period prior to the first day of January, eighteen hundred and seventy.

Sec. 3. Whenever there shall be in the state treasury any funds applicable to the redemption of said bonds, and set apart for that purpose by the legislature, under the provisions of the preceding section, the State Treasurer shall cause a notice to be given in the State paper for eight weeks successively, that the bonds, (describing them particularly by amounts, dates and numbers,) designated by the act of the legislature last aforesaid, will be redeemed on presentation at the state treasury, in specie or its equivalent; and interest on any such bonds, if not sooner presented, shall cease at the expiration of two months from the date of the first publication of said notice.

When state treasurer to give notice, &c. for redemption of bonds, &c.

Sec. 4. Upon the surrender of any of said warrants under the provisions of the first section of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of the new bonds to be issued for each parcel so canceled, shall be certified to the Governor by the State Treasurer and Auditor General, and for such fractional sums less than fifty dollars, as may be found due on any parcel of warrants so surrendered, the Auditor General shall draw a warrant on the internal improvement fund.

Duties of treasurer & aud. general

Sec. 5. All the bonds issued under the preceding sections of this act, and the coupons of the same as they severally became due, shall be receivable for any of the following lands not reserved from sale or otherwise appropriated, viz: internal improvement lands, state building lands, asset lands, salt spring lands, and for university lands, to the amount now authorized by law to be received in internal improvement warrants for the said university lands: *Provided*, That upon the reception and payment of any such bonds, the coupons not due shall remain attached thereto, or the amount of any coupon not due, which

Bonds receivable in payment for lands.

shall be detached therefrom shall be deducted from the principal of any such bond or bonds.

Treasurer to  
pay up and  
cancel cer-  
tain coupons

Sec. 6. The State Treasurer is hereby authorized to pay up and cancel the coupons falling due in January and July annually upon the bonds, by the preceding sections of this act authorized to be issued, from any moneys to the credit of the general fund, subject, however, to the same conditions and restrictions as those contained in the act to provide for the payment of interest on the liquidated portion of the five million loan, approved January twenty-ninth, eighteen hundred and forty-eight.

Duties of  
aud. general

Sec. 7. It shall be the duty of the Auditor General, at the time of estimating any deficiency in the appropriate funds to meet the interest falling due and payable under the provisions of the act to liquidate the public debt and to provide for the payment of the interest thereon, approved March eight, eighteen hundred and forty-three, to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding bonds authorized to be issued under the provision of this act, and also to add to such deficiency the amount of coupons and interest then due and unpaid upon all the outstanding stock or bonds authorized to be issued under the provisions of the acts as follows, to wit: "an act to provide for the relief of the Palmyra and Jacksonburg rail road company," approved June twenty-two, eighteen hundred and thirty-seven, and "an act to provide for the relief of the Detroit and Pontiac rail road company," approved March fifth, eighteen hundred and thirty-eight, without deducting therefrom any sums that may have been paid on account of said coupons and interest as mentioned in the preceding section, out of the general fund ;

Preamble.

*And whereas,* The holders of the part paid five million loan bonds, being the outstanding portion of the three million eight hundred and thirteen thousand dollars of the five million loan and other bonds delivered to the United States Bank and Morris Canal and Banking Company, and referred to in the preamble to the sixth section of the act approved March eight, eighteen hundred and forty-three, above referred to, have not surrendered up the same for adjustment, under the said act of eighteen hundred and forty-three ;

*And whereas,* Doubts are entertained as to the power of surrendering under said act, a part only of said bond, and as the legislature, by



"an act to authorize the sale of the Central rail road and to incorporate the Michigan Central rail road company," approved March twenty-eight, eighteen hundred and forty-six, did reduce the rate of damages claimed from twenty-five per cent to three per cent on the unpaid portion of said bonds, and did determine the precise amount recognized to be due upon said bonds respectively ; now, therefore, for the purpose of a full and final adjustment and funding of the same,

Sec. 8. *Be it further enacted*, That upon the surrender at the treasury of this State of any of the said part paid five million loan bonds When bonds to be issued. still outstanding, the holder of the same shall be entitled to receive from the Governor of this State, certificates of stock or bonds at the rate of four hundred and three dollars and eighty-eight cents on each one thousand dollars of said bonds, for principal and interest due thereon the first day of January, eighteen hundred and forty-six, and adding for subsequent interest at the rate of six per cent per annum, on three hundred and two dollars and seventy-three cents for each thousand dollars of said bonds, to be computed up to the first day of January next after the surrender thereof: *Provided*, The coupons since July, eighteen hundred and forty-one, shall remain attached thereto: *Provided further*, That in case any of the coupons falling due on any of the said bonds between the first day of July, eighteen hundred and forty-one, and the maturity of the bond or bonds, shall not be delivered to the State Treasurer with the bonds to which they belonged, there shall be deducted from the amount authorized to be issued in new bonds under the preceding section, the sum of nine dollars and eighty cents for each coupon removed from a bond of one thousand dollars, and twenty-seven dollars and twenty-four cents for each coupon removed from a bond of three thousand dollars.

Sec. 9. The stock to be issued under the provision of the preceding section, may be issued in bonds of one thousand dollars, as far as practicable; said new bonds shall be drawn payable, principal and interest, Denominations of bonds, when payable, &c. at such place in the city of New York as the Governor shall designate; they shall be made redeemable respectively at the time fixed for the maturity of the original part paid bond, upon the surrender of which they are issued, and shall bear an interest of six per cent per annum from the first day of January next, after the surrender of the said part paid bond, and be payable semi-annually on the first

days of July and January thereafter until the maturity of said bonds, or the redemption of the principal.

Cancelment  
of old bonds,  
&c.

Sec. 10. Upon the surrender of any such original part paid bond, under the provisions of the two last preceding sections of this act, the State Treasurer shall cancel the same, and the fact of such cancelment, together with the amount of new bonds to be issued therefor, shall be certified to the Governor by the said Treasurer and Auditor General.

Form and  
requirements  
for bonds.

Sec. 11. All bonds to be issued under the provisions of this act, shall be issued in the usual form, under the great seal of the state, signed by the Governor, and countersigned by the Secretary of the State, and a register of their numbers, dates, amounts, and the names of the persons to whom issued, shall be kept by the State Treasurer, distinct from all other class of state indebtedness, in a book to be provided for that purpose.

Holders of  
said bonds  
to be entitled  
to claim of  
state on U. S.  
Bank & Mor-  
ris Canal  
Banking Co.

Sec. 12. The holders of said bonds shall be entitled to demand and receive from the United States Bank, and Morris Canal and Banking Company, in sums proportionate to the amounts of their respective bonds whatever may be due from the said United States Bank and Morris Canal and Banking Company, or either of them, to this state, growing out of the negotiation with said institutions or either of them, of the five million loan bonds aforesaid: *Provided*, That nothing herein contained shall be construed as any recognition on the part of this state of its indebtedness upon the said five million loan bonds beyond the amount heretofore acknowledged by this state to have been received upon said bonds. A clause embodying the substance of this section shall be inserted in the bonds to be issued under the provisions of section eight of this act.

Sec. 13. This act shall take effect from and after its passage.

Approved April 1, 1848.

#### No. 174.

AN ACT to provide for the completion of the capitol buildings, and for the improvement of the capitol grounds, and making appropriations therefor, and for the erection of a bridge and improvement of streets on a portion of the town plat of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sum of three thousand six

hundred and fifty dollars be and the same is hereby appropriated, to be drawn from the state building fund, for the purpose of paying the excess of expenses already incurred over the previous appropriation therefor, and also for the completion and preservation of the capitol buildings, and the improvement and fencing of the capitol grounds, to be expended under the supervision of the Auditor General.

Appropriat'n  
to be expen-  
ded by aud.  
gen'l.

Sec. 2. For the purpose of making a purchase and procuring a conveyance to the state of thirty acres of land for the use and benefit thereof, as selected by the acting commissioner to locate the capitol, and described upon the plat of the town of Michigan as blocks Nos. 91, 100, 101, 111, 112 and 249, the State Treasurer is hereby authorized, out of any moneys in the treasury belonging to the state building fund, not otherwise appropriated, to pay to the Commissioner of the State Land Office the sum of one dollar to the credit of the primary school principal fund, and the said commissioner is hereby required, upon the receipt of said sum to issue to the state in the name of the State Treasurer, a certificate of purchase of said lands, and upon the receipt of said certificate, the Governor shall make to the state a patent for said lands, and cause the same to be recorded by the county register, and thereafter filed in the office of the Secretary of State.

State treas-  
urer to pur-  
chase cert'n  
blocks, &c.

Sec. 3. For the purpose of providing for, and promoting the erection of school houses, churches and asylums for the insane, deaf, dumb and blind, and for setting apart suitable grounds for cemeteries, in the said town of Michigan, the Commissioner of the State Land Office is hereby authorized to make a selection from lots and blocks belonging to the school fund or to the state, of so much ground as may be necessary for the above purposes, to be located in such parts of the town of Michigan as will best promote the public convenience, enhance the value of the other school lands upon said plat, and increase the interest of the state therein; and thereupon the said commissioner is authorized to designate such selections upon the plat of Michigan, and withhold the same from sale until a law shall hereafter be passed directing specific donations thereof for the purposes of schools, churches, asylums and cemeteries, as aforesaid: *Provided*, The said commissioner may in his discretion lease any of the grounds so reserved at a nominal rent, to be occupied and used for any of the above purposes, and until a donation thereof shall be directed as above provided.

Appropriat'n  
for school  
houses, &c.

Improvement  
of streets, &c

Sec. 4. In order to make the necessary provisions for the improvement of streets and side walks upon the grounds designated in the second section of this act, and the school lands within said town of Michigan, and to provide for the erection of a bridge across the Grand River, at the foot of Michigan Avenue, and to lay out a road from the east end of Michigan Avenue, in an easterly direction until it shall intersect the Grand River Road; and also to improve the said avenue and road from the said bridge to the Grand River Road, five thousand acres of internal improvement lands are hereby appropriated. The Auditor General is hereby authorized to take the supervision of said improvements, and shall proceed to let contracts to the best advantage, and approve the same when properly completed, and thereupon issue warrants drawn against and payable in internal improvement lands not otherwise appropriated, which shall be receivable by the Commissioner of the Land Office in payment for the lands hereby appropriated, at the rate of one dollar and twenty-five cents per acre.

Office of acting com'r  
abolished.

Sec. 5. That the office of acting commissioner created under and by virtue of the act to provide for the removal of the seat of government of this state and for other purposes, approved March sixteenth, eighteen hundred and forty-seven, be abolished from and after the twentieth day of April next.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

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### No. 175.

## AN ACT to incorporate the Detroit Union Society of Carpenters and Joiners.

*Incorporation* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That A. H. Dodge, Joseph M. Morris, John McCurdy, Nelson Marsh, Daniel Story, Robert W. Warner, Alexander Ameline, Lyman B. Millard, John Winchel, Israel Diefenderfer, Anson Morris, Robert Wyckoff, Augustus Cuson, Samuel Freeman, and such other persons as may from time to time become members of said society, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name,

under the name of the Detroit Union Society of Carpenters and Joiners, and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending, and being defended in all suits, complaints, matters and causes whatsoever, <sup>Powers of company.</sup> either in law or equity, of having a common seal, of enacting all by-laws for the regulation of the officers and members of said society, of acquiring by gift, devise, purchase or otherwise, and of holding and conveying any real, personal or mixed estate whatsoever necessary and proper for the objects of this incorporation : *Provided*, The same shall at no time exceed the sum of twenty-five thousand dollars ; and they and their successors shall have power to make such by-laws, ordinances and regulations as they shall judge proper for the election of their officers, for the election or admission of new members, and the terms and manner of admission ; for the better government of their officers and members, or for fixing the times and places of meeting of said corporation ; for the purchase, regulation and management of a library ; the relief of their own distressed or disabled members, and for regulating all the affairs of the said corporation.

Sec. 2. For the better carrying into effect the objects of the corporation, there shall be a president, a vice president, a recording and a corresponding secretary, a treasurer, four directors and a messenger, <sup>Officers.</sup> whose duties shall be prescribed in the by-laws of said corporation.

Sec. 3. There shall be an annual meeting of the society on the <sup>Annual meeting.</sup> first Thursday in January of each year, at which time there shall be an election of officers, who shall be elected by a majority of the members present, and shall hold their offices for one year, or until others be chosen in their places : *Provided*, That in case it shall at any time happen that an election of officers shall not be made on the day aforesaid, the said corporation shall not be dissolved, but it shall and may be lawful to hold such election at any time thereafter, pursuant to the public notice given in one or more papers printed in the city of Detroit, at any time within one year from and after the day of the annual meeting as required to be holden by the provisions of this act.

Sec. 4. That of the Detroit Union Society of Carpenters and Joiners, A. H. Dodge shall be president, Joseph M. Morris, vice president, <sup>1st board of directors.</sup> John McCurdy, recording secretary, Nelson Marsh, corresponding

secretary, Daniel Story, treasurer, and Robert W. Warner, Michael Scur, Alexander Ameline and Lyman B. Millard, directors, and John Winchel, messenger, who shall hold their offices until the first Thursday in January, A. D. 1849, or until others shall be chosen in their stead according to the provisions of this act.

**Repeal, &c.** Sec. 5. This act may be altered, amended or repealed by any future legislature, with the assent of at least two-thirds of the members of each house.

**Restrictions.** Sec. 6. It shall not be lawful for said company to use their funds or any part thereof in any banking transaction, in brokerage or exchange, in dealing in money or bank notes, or in the purchase of any stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those herein particularly specified.

**General provisions.** Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, as far as the same are applicable.

Approved April 1, 1848.

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No. 176.

AN ACT to amend an act entitled "an act relative to plank roads," approved March thirteen, eighteen hundred and forty-eight.

**Act amend'd** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section ten of "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, be amended by inserting after the words "may be served," the words "on the presiding officer, the secretary, the treasurer thereof, or."

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 1, 1848.

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No. 177.

AN ACT to regulate and define the jurisdiction of the circuit and county courts.

**No. of judges of supreme court, &c.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supreme court shall consist

of five judges, one of whom shall be styled the chief justice, and the other four, associate justices.

Sec. 2. The judges of the supreme court shall, within thirty days after the passage of this act, meet together and divide the state into five judicial circuits, in such manner as best to equalize the duties of the judges thereof, and so that the fifth circuit shall be made up of counties in the Grand River section of the state.

Judges to divide state into 5 circuits.

Sec. 3. Each of the justices of the supreme court shall, at least twice in each year, except in the cases otherwise provided for by law, hold a circuit court in each of the counties designated in his appointment, and in the performance of such duties shall be denominated circuit judge.

Each justice to hold circuit court.

Sec. 4. The several county courts shall hereafter have and exercise exclusive original jurisdiction in all matters at law, civil and criminal, except in those cases, civil and criminal, which are by law made cognizable before justices of the peace, and except also as is hereinafter provided; and they shall also have a concurrent jurisdiction with the circuit courts in equity for the foreclosure of mortgages.

Jurisdiction of county courts.

Sec. 5. In any civil action where the plaintiff's demand, or in cases of ejectment, where the value of the property exceeds the sum of five hundred dollars, he may at his election commence such action in the circuit court of the proper county; such action, however, shall be commenced and prosecuted in the same manner, and all the proceedings therein shall be the same, as if it had been commenced and prosecuted in the county court, so far as the same may be practicable.

Concurrent jurisdiction of circuit & co. courts.

Sec. 6. Whenever, in the opinion of the judge of the county court, the prosecuting attorney and county clerk, or in the opinion of a majority of them, it shall be proper to have a grand jury, an order to that effect shall be entered in the journal of said court, which order shall specify the time at which such grand jury shall be returned in said court. Upon such order being made, the clerk shall draw from the grand jury box the names of twenty-three persons to serve as grand jurors. Hereafter no grand jury shall be summoned in the circuit court.

When and by whom grand jury to be ordered.

Sec. 7. Any person indicted for a crime punishable by imprisonment in the state prison, may request to be tried before the judge of that judicial court of the county in which such indictment is found.

Prison'r may elect to be tried by circuit judge, &c.

Upon such request being made, the clerk shall make an entry thereof in his journal; whereupon such cause shall be continued to the next regular term of the circuit court of said county, and such request shall be by the clerk of said circuit court noted upon his docket. At the first day of said term the circuit judge shall assign a day certain for the trial of said cause, and give notice thereof to the prosecuting attorney and county judge; and upon the trial of said cause in the county court, the circuit judge shall preside, and in case of conviction he shall pass sentence upon the respondent. The county judge shall, three days previous to the day assigned for said trial, make an order for the summoning of a petit jury for the trial of such cause, the number of which shall be fixed in said order, and shall not be less than twelve nor more than twenty-four. Upon such order or a copy thereof being given to the sheriff, he shall summon from among the persons qualified to serve as jurors in his county, the required number.

Petit jury,  
he v. sum-  
moned, &c.

Sec. 8. Whenever after the session of a grand jury it shall be deemed proper by the county judge to have a petit jury summoned, he shall cause an order therefor to be entered upon the journals of the court, which order shall specify the number of petit jurors, and which shall not be less than twelve nor more than twenty-four, and the time at which said jury is to be returned. Upon such order being made, the clerk shall draw from the petit jury box the names of persons equal to the number mentioned in the order, who shall be summoned in the manner now required by law. In the trial in the county court of criminal causes, the mode of proceedings shall be the same as heretofore in practice in the circuit court in like cases, as near as may be practicable. Hereafter no petit jurors shall be summoned in the circuit court, except in cases hereinbefore mentioned.

Transfer of  
causes.

Sec. 9. All causes pending in the several circuit courts at the time when this act shall take effect, except certiorari and cases in chancery, shall be transferred to the county courts of the respective counties; where such causes are not at issue, the same pleadings and proceedings shall be had in them, as far as the same is practicable, as are provided for cases commenced in the county courts, and where said causes are at issue the same shall be tried in the manner now provided for the trial of causes in the county courts; and for the purpose of the transfer of said causes, nothing more shall be necessary than



the attendance in the county court of the clerk of the county, with the papers, files, records and proceedings in such causes : *Provided*, That in any of the cases pending, the plaintiff or defendant in such action may elect to have the same proceeded in and tried in said circuit court, in which case the pleadings, proceedings and trial shall be the same as near as is practicable to those in the county courts : *And provided further*, That in cases of indictment now pending in the circuit courts where the crime is punishable by imprisonment in the state prison, the respondent may request to be tried in said circuit court, whereupon the same proceedings shall be had as are provided in section seven of this act : *And provided further*, That all motions in arrest of judgment and for new trials now pending in any of the circuit courts shall be heard and determined therein.

Sec. 10. The board of supervisors of each county shall at any regular meeting make an order allowing to the county judge a reasonable compensation for his services for the year in the trial of criminal causes, from which order there shall be no appeal.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 178.

AN ACT supplementary to an act entitled an act to regulate and define the jurisdiction of the Circuit and County Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the judges of the supreme court, when they shall have divided the state into five judicial circuits, shall cause a certified statement thereof to be published once a week for four successive weeks in the state paper ; that for the purpose of making such division the said judges may meet together at any time within sixty days after the passage of this act.

Sec. 2. The judge of the supreme court, designated in his appointment for the fifth circuit, shall, within sixty days after this act takes effect, fix and appoint the times of holding the several circuit courts within his circuit for the fall terms of the present, and the spring and fall terms of the ensuing year ; after which he shall fix and appoint

the same according to the provisions of chapter eighty-nine of the revised statutes. He shall transmit to the clerk of each county within his circuit, a copy of such appointment of circuits made by him, immediately upon making the same, which shall be filed and preserved by said clerk ; and every such appointment shall be published in the state paper once in each week for four successive weeks, and the last publication thereof shall be at least one month before the holding of any circuit court in pursuance thereof.

Civil actions held within 60 days may be determined.

Sec. 3. In any county in which a session of the circuit court shall be held within sixty days from the passage of this act, all civil actions pending therein may be proceeded in and tried at said session in the same manner as if the act to which this is supplementary had not been passed : *Provided*, That all such actions except certioraries which shall not be tried at such session, shall be and the same are hereby transferred to the county court of such county, unless the plaintiff or defendant shall before the close of such session of the circuit court, elect to have the same tried in the circuit court ; in which case such election shall be in writing, signed by the party or his attorney, and an entry thereof made in the journals of the circuit court.

When certain provisions of act shall take effect.

Sec. 4. All the provisions of the act to which this act is supplementary, which relate to criminal matters now pending in any circuit court, or which may be commenced therein within thirty days after the passage of this act, and the proceedings thereon, the summoning of jurors in the circuit court, and all its provisions which relate to matters in equity, shall be and the same are hereby postponed to the first day of February next, from and after which time said provisions shall take effect : *Provided*, That such provisions relating to criminal matters shall be postponed no longer than may be necessary for the final disposition of any criminal causes which may be pending in said circuit court within the time limited in this act.

Recognizances in criminal cases to be made returnable in the county courts, &c.

Sec. 5. Recognizances in criminal cases taken in pursuance of sections 18 and 19 of chapter 163 of the revised statutes, shall be made returnable in the county court of the proper county, on the first Monday of the month next after the taking of the same ; and such recognizances shall stand continued from time to time until the matter be finally disposed of, unless the court shall think proper to order new recognizances to be entered into.

**Sec. 6.** This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 179.

**AN ACT** to amend an act entitled "an act to revive the poor laws repealed by the revised statutes in certain counties."

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the act entitled "an act to revive the poor laws repealed by the revised statutes in certain counties," approved March 17th, 1847, be and the same is hereby amended by striking out of section one of said act the words "Van Buren," and "Calhoun," wherever it occurs in said section one. Act amended

**Sec. 2.** This act shall be in force from and after its passage.

Approved April 3, 1848.

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No. 180.

**AN ACT** to authorize Betsy Hitchcock and Milton R. Moore to convey certain real estate.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Betsey Hitchcock, administrator, and Milton R. Moore, administrator, on the estate of Jesse B. Hitchcock, of the county of Washtenaw, deceased, be and they are hereby authorized and empowered to sell and convey by deed all the right, title and interest which the said Jesse B. Hitchcock had at the time of his decease in the following described land, to wit: the south-west quarter of the south-east quarter of section number thirty-two, in township number four south of range number six east, in the county of Washtenaw: *Provided,* The judge of probate for said county of Washtenaw shall approve of such sale, and endorse his approval on such deed, under his hand and seal of office.

Approved April 3, 1848.

## No. 181.

## AN ACT for the relief of Nancy Butler.

**Preamble.**

*Whereas*, It is represented that Henry R. Butler, late of Macomb county, in the state of Michigan, died in the year A. D. eighteen hundred and thirty-seven, without leaving heirs, and that at the time of his decease, he was seized in fee simple of certain lands hereinafter described, the title in and to which is supposed to have vested in said state of Michigan by escheat on the decease of said Butler :

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the right, title and interest of the State of Michigan, derived by escheat as aforesaid, in and to the following described tracts and parcels of lands situate in the county of Macomb, to wit: the south half of the south-west quarter and the south-east quarter of the south-west quarter of section twenty-six, in town one north of range twelve east, be and the same is hereby given, granted and conveyed to Mrs. Nancy Butler, widow of said Henry R. Butler, to have and to hold the same to the said Nancy Butler and to her heirs and assigns forever: *Provided*, That nothing in this act shall affect or impair any interest, title or claim of any other person in and to said land or any part thereof.

Sec. 2. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 182.

## AN ACT relative to the last Will and Testament of the Rev. Gabriel Richard, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all the right, title and interest which the people of this state have, or may be supposed to have, by escheat, of, in and to any real estate, acquired by the Reverend Gabriel Richard, after the execution of his last will and testament, and by him held at the time of his death, be and the same are hereby released by the state, and vested in such person or persons, and for such purpose or purposes, as is provided in said last will and testament, as fully and to the same effect in all things, and not otherwise, as if the

said last will and testament were good and valid, to dispose of the estate which the said Richard had at the time of his death.

Approved April 3, 1843.

No. 183.

AN ACT to incorporate the Hillsdale and Indiana Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Waldron, Chas. T. Mitchell, Joel McCollum, C. W. Ferris, Eason T. Chester and James Fowle, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Hillsdale and Indiana plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Hillsdale and Indiana plank road company, with corporate succession. <sup>Incorporat'n</sup>

Sec. 2, Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Hillsdale in the county of Hillsdale, on the most eligible route to some point near the north east corner of the state of Indiana. <sup>Route of ro'd</sup>

Sec. 3. The capital stock of said company shall be forty thousand dollars, in two thousand shares of twenty dollars each. <sup>Capital.</sup>

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. <sup>Duration of charter, repeal of same, &c.</sup>

on the capital stock invested, provided there be no violation of the charter of said company.

General provisions. Sec. 5. The provisions of an act relative to plank roads, approved March 13, 1848, shall be and are made a part of this act.

Sec. 5. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 184.

AN ACT further to provide for the organization of the Township of Gross Pointe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if for any cause the township of Gross Pointe shall fail to complete its township organization pursuant to existing provisions of law, on the first Monday of April, A. D. eighteen hundred and forty-eight, it shall be lawful for the inhabitants of said township to hold a township meeting on the first Monday of May next, at the same place, and in the same manner, and for the same purposes now provided for by law ; and such organization shall be as valid and effectual for all legal purposes as if the same were completed under existing provisions of law.

Sec. 2. All township officers elected at such meeting, on the first Monday of May next, shall qualify themselves for the discharge of their duties within the same period after their election, and in the same manner as now provided by law in the case of township officers, and the period for making and completing the assessment roll for said township is hereby extended, for all purposes, four weeks beyond the time now fixed by law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 185.

AN ACT authorizing the district board of fractional school district number one, in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, to borrow a certain sum of money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the district board of fractional school district number one, in the townships of Battle Creek, Emmett and Bedford, in the county of Calhoun, are hereby authorized to borrow, on the credit of said school district, at an interest of seven per cent per annum, and for a term of years not exceeding ten, a sum of money not exceeding twenty-five hundred dollars, for the purpose of building a school house in said district ; and the said sum so borrowed shall not be applied to any other use or purpose than in building said school house.

Dist. board may borrow certain moneys.

Sec. 2. Whenever said district board shall have obtained said sum of twenty-five hundred dollars, or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the township of Battle Creek, to be drawn by the said boards for the purpose above specified, in the same manner and under the same restrictions as is provided for in case of other money in the treasury, agreeably to chapter fifty-eight of the revised statutes.

Loan to be deposited in township treasury.

Sec. 3. That said district board are hereby authorized, and it is made their duty, to provide for the payment of such money, whether principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in case of other contingent expenses of the district.

Payment of loan.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 186.

AN ACT to authorize Luther B. Hill and Porter S. Pennel to build a dam across the Thornapple River, on section thirty-one, township four, north of range nine west, in the county of Barry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Luther B. Hill and Porter S.

Dam authorized.

Pennel, their heirs and assigns, are hereby authorized to erect and continue on their own lands or on the land of others, by the consent of the owners thereof, a dam across the Thornapple river, on section thirty-one, township four, north of range nine west, in the county of Barry: *Provided*, They or the the occupant of said dam, shall construct thereon a good and convenient lock for the safe passage of boats, rafts or other water craft, whenever the county or circuit court having jurisdiction in said county, shall order the same to be done upon good cause shown.

Trespass on dam or lock.

Sec. 2. Any person who shall destroy, or in any way injure said lock or dam, shall be deemed to have committed a trespass upon the owners thereof, and be liable to action accordingly; and any person who shall wilfully and maliciously destroy, or injure said lock or dam, shall be guilty of a misdemeanor, and on conviction thereof, be punished by fine or imprisonment or both in the discretion of the court.

Duties of owner and occupant

Sec. 3. It shall be the duty of the owners or occupants of said dam, at all times, to keep, as contemplated by this act, said lock in repair, and to pass any water craft through the same free of toll and without unnecessary delay; and any person who shall be so detained shall be entitled to recover of said owners or occupants double the amount of the damages which he shall prove he has sustained by such detention, before any court of competent jurisdiction, with cost of suit.

Rights of persons.

Sec. 4. Nothing herein contained shall authorize the individuals named in the first section of this act, their heirs or assigns, to enter upon or flow, or otherwise injure the land of any person or persons, without the consent of such person or persons; and the legislature may at any time hereafter alter, amend or repeal this act.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 187.

AN ACT to establish an asylum for the deaf and dumb and the blind, and also an asylum for the insane, of the state of Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be established in this



state institutions under the title and style of the "Michigan Asylum for the Educating the Deaf and Dumb and the Blind," and "Michigan Asylum for the Insane," and that eight sections of the state salt spring lands, be and is hereby appropriated for the erection of suitable buildings therefor.

*Appropriation of saline lands for asylum for deaf and dumb, &c.*

Sec. 2. The government of said asylums shall be vested in a board of trustees, to consist of five members, who shall be elected annually by the legislature of this state in joint convention : *Provided*, The Governor shall have the authority to appoint the first trustee under this act.

*Trustees.*

Sec. 3. The trustees authorized pursuant to the foregoing section, shall constitute a body corporate with the name and title of the "Trustees of the Michigan Asylums," with the right as such of suing and being sued, of making and using a common seal, and altering the same at pleasure.

*Trustees incorporated.*

Sec. 4. It shall be the duty of the above named trustees to meet at such time and place as the Governor shall appoint, and elect of their own body a treasurer and clerk, who shall hold their offices one year and until their successors are chosen and qualified.

*Treasurer and clerk.*

Sec. 5. Said trustees shall meet once in every three months, on their own adjournments, or oftener if they deem it advisable ; have power to pass such by-laws and adopt such rules and regulations for the management and control of the institution, as they may deem just and right.

*Meeting of trustees, their powers and duties.*

Sec. 6. The trustees shall have power, and it shall be their duty to enact laws for the government of said asylums, and also to appoint a principal for each institution, whose respective salaries shall not exceed eight hundred dollars per annum, and who shall nominate for the action of the board of trustees all necessary subordinate officers, who may be dismissed by said respective principals for inefficiency or misconduct ; but in case of every removal a detailed statement of the causes shall be reported to the board of trustees by the principal making the removal.

*Ibid.*

Sec. 7. The trustees shall be the judges of the ability of the candidate of this state for admission, to defray his or her expenses, and shall require the parent or guardians in all cases to pay the necessary expenses where they possess the ability, otherwise the same to be defrayed

*Id.*

out of the asylum funds. They shall likewise admit into either institution candidates from any other state : *Provided*, The necessary expenses be defrayed by the parents or guardians of such persons.

Annual report.

Sec. 8. The board of trustees shall make out annually and report to the legislature, a detailed statement of the operations of said institution.

Expenses.

Sec. 9. The expenses necessarily incurred by such trustees in the discharge of their duties shall be reimbursed to them to be paid as the other expenses of the institution.

Sec. 10. Said board when organized, is hereby authorized to receive proposals for donations of lands, money or other materials for the location and building of such asylums, and upon receiving a title of any lands, or the delivery of any money, materials, bonds or other security for such purpose, to and in behalf of the state for the benefit of such asylums.

Acting com'r

Sec. 11. The board of trustees shall appoint one of their number as acting commissioner, whose duty it shall be to make immediate selection of the lands hereby appropriated, and file a notice of such selection with the Commissioner of the State Land Office, which lands shall thereupon be under the exclusive control of the board of trustees, who shall have power to order the sale of such portions, from time to time, under the supervision of the Commissioner of the State Land Office, as they may deem proper, and for the best interests of the State.

Duties of :  
com'r.

Sec. 12. The acting commissioner shall also have the superintendence of the erection of the necessary buildings, under the direction of the board of trustees, whose salary shall not exceed eight hundred dollars per annum, and which shall be in full for all his services, except the necessary traveling fees.

Proceeds of  
lands paid to  
treasurer.

Sec. 13. The proceeds of the lands and all other moneys shall be paid to the treasurer authorized by this act, who may be required to give bonds with sureties to be approved by the board, and filed with the Auditor General of the state, and all necessary expenses incurred in carrying out the provisions of this act shall be paid therefrom on a warrant drawn by the clerk and approved by the chairman or president of the board.

Sec. 14. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 188.

AN ACT for the relief of George Buck.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Commissioner of the State Land Office be and he is hereby authorized to sell to George Buck, at twelve dollars per acre, with interest thereon from December first, eighteen hundred and thirty-eight, all that portion of section number seventeen, town six south of range eleven west, lying on the south side of the St. Joseph river, which said George Buck purchased of the Superintendent of Public Instruction, August first, eighteen hundred and thirty-seven, since become forfeited.

Sec. 2. Said George Buck shall be credited in payment therefor all moneys which was by him paid as principal with interest thereon heretofore paid by him on said section or any part thereof so forfeited.

Sec. 3. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 189.

AN ACT appropriating certain Internal Improvement Lands for improving the Road between the villages of Eaton Rapids and Michigan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of improving the road between the villages of Eaton Rapids and Michigan. 3000 acres int. imp. lands appropriated.

Sec. 2. That for the purpose of carrying into effect the provisions of this act, and of making a judicious outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall have the general supervision and management of the Special commissioner.

same, and who shall, before entering upon the discharge of his duties, take and subscribe the constitutional oath of office, and file with the Auditor General a bond, to be by him approved, conditioned for the faithful discharge of his duties as such commissioner.

Powers and  
duties of  
such com'r.

Sec. 3. The said special commissioner shall direct and control the work to be performed under the provisions of this act, in person, so far as the same may be practicable, and shall have full power to employ laborers, and purchase all the requisite materials; and if any contracts are let by him, they shall be for limited amounts and conditioned for the resumption of the job by said commissioner, upon the failure on the part of the contractor to comply with the stipulations of the contract, and the labor shall be performed under the immediate supervision of said commissioner.

Payment of  
contractors  
and others.

Sec. 4. Upon the completion of any such job and in payment therefor, according to the terms of the contract, and also in payment for any services rendered, labor performed or materials purchased, the said commissioner is hereby authorized to issue his orders upon the Commissioner of the State Land Office, drawn against and payable in internal improvement lands; and the same shall be receivable at said land office at par, in payment, at the price established by law, for any internal improvement lands not reserved from sale or otherwise appropriated: *Provided*, That the aggregate amount of said orders shall not exceed the amount of the above appropriation, at one dollar and twenty-five cents per acre: *And provided further*, That the said Commissioner of the Land Office shall not issue a certificate for any parcel of said land less than a legal subdivision of the same.

Compensa-  
tion of com'r  
and audit of  
his accounts.

Sec. 5. Said special commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the above appropriation, and the said commissioner shall from time to time render to the Auditor General an account of his services, verified by his oath, and the Auditor General shall thereupon issue his certificate of such amount to said special commissioner, and the same shall be receivable

at par by the Commissioner of the State Land Office in payment for internal improvement lands included in the above appropriation.

Approved April 3, 1848.

No. 190.

AN ACT appropriating certain internal improvement lands for opening and improving the state road from Constantine, in St. Joseph county, to Paw Paw in Van Buren county, through Cassopolis, in Cass county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That seven thousand acres of the internal improvement lands in the lower peninsula of this state be hereby appropriated for opening and improving the state road from Constantine in St. Joseph county, to Paw Paw in Van Buren county, through Cassopolis in Cass county. 7000 acres int. imp. lands appropriated.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor except upon the order of said commissioner; said commissioner shall receive no compensation for making said selection. Special commissioner.

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him, for the faithful performance of his contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for contracting said work for at least three successive weeks in the Centreville Republican and Paw Paw Free Press. Powers and duties of com'r.

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General upon a bill of such services sworn to be a true bill, and that all the services charg- Compensation of com'r and audit and allowance of his account.

ed for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the Auditor General shall issue his warrant to said commissioner, payable in internal improvement lands, for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

Payment of  
contractors  
and others.

Sec. 5. Upon the completion of any job let in pursuance of this act, [in] payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands.

Comm'r to  
take oath &  
file bond.

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the Auditor General, conditioned for the faithful performance of all his said duties, which oath and bond shall be filed with the Auditor. In case of a vacancy in the office of said commissioner, the Governor may appoint a new commissioner, who shall take the same  
• oath and give a like bond.

Sec. 7. Said commissioner shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

# No. 191.

AN ACT to prevent the circulation of foreign notes.

Circulation  
of foreign  
notes prohi-  
bited.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall not be lawful for any person or corporation to issue or in any manner circulate as money at any time after six months from the time this act shall become a law, within this state, any bill, note or other evidence of debt, purporting to be issued by any body corporate, private broker or other person carrying on banking business in any foreign country or province.

Sec. 2. Any person offending against the provisions of this act

shall forfeit for every such offence three times the nominal value of <sup>Penalty for such offence.</sup> any such bill, note or other evidence of debt, to be recovered with costs of suit in the name of and for the use of any person who shall sue for the same, and prosecute such suit to judgment in any court having cognizance thereof.

SEC. 3. Any incorporated company in this state who shall purchase <sup>Purchase of such notes prohibited, penalty for such offence.</sup> or take at a discount any bill, note or other evidence of debt purporting to be issued by any banking corporation or body corporate, not chartered by the legislature of this state or that of some other state in the United States, and the circulation of which is prohibited by this act, shall forfeit for every such offence the sum of fifty dollars, to be recovered with costs in the same manner provided in the second section of this act.

Approved April 3, 1848.

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No. 192.

AN ACT to amend chapter sixteen of the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of each township <sup>Revised statutes amended.</sup> shall be the agent for his township, for the transaction of all legal business, by whom suits may be brought and defended, and upon whom all process against the township shall be served.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 193.

AN ACT to authorize the assessment and collection of a certain tax in the township of Bertrand in the county of Berrien.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the supervisor of the township of Bertrand in the county of Berrien, be and he is hereby authorized and required to assess a state, county and township tax for the year A. D. eighteen hundred and forty-seven, upon the real and personal

property in that township at the time required by law for the assessment of taxes for the year eighteen hundred and forty-eight, which tax shall be assessed according to the valuation of property in said township as determined by the board of supervisors for the year eighteen hundred and forty-seven aforesaid, and shall be entered on the assessment roll, levied, collected and returned in the same manner as taxes reassessed on account of having been rejected by the Auditor General.

Sec. 2. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 194.

AN ACT to amend the revised statutes of eighteen hundred and forty-six, concerning the assessment and collection of taxes, and the act amendatory thereof, approved March seventeen, eighteen hundred and forty-seven.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That any person may purchase any unsold or unredeemed "state tax lands," which may have been once or more than once offered for sale as such, upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the minimum price as established by the twelfth section of act number eighty-four of eighteen hundred and forty-seven, entitled "an act to amend the revised statutes of eighteen hundred and forty-six, concerning the assessment and collection of taxes," approved March seventeen, eighteen hundred and forty-seven, with interest thereon from the first Monday in October in the year in which the lands were so first offered for sale, to the day of making such application and payment, at the rate of ten per cent per annum; and the said person so applying, shall, at the time of purchasing the said lands, pay to the State Treasurer the amount of all bids made in behalf of the said state at any sale or sales subsequent to the sales in October of the year eighteen hundred and forty-five, with twenty-five per cent interest thereon, as now provided by law, for which bids he shall be entitled to a certificate of purchase, or to a deed as hereinafter provided.

And Gen'l  
may sell cer-  
tain lands at  
private sale.



Sec. 2. Upon application and payment being made as above mentioned, the Auditor General shall execute to such purchaser a deed conveying all the right, title and interest of the state in and to the said "state tax lands," acquired by virtue of the original sale or sales to the state, subject to all taxes duly assessed thereon; and for the sales of said bids for any subsequent years for which the redemption has not expired, the said Auditor General shall issue to the purchaser certificates of purchase according to the provisions of section fifteen of the act above recited. But if the said lands are not redeemed or otherwise discharged according to law, the Auditor General shall execute to such purchaser a deed as above mentioned.

Deed on  
lands,

Sec. 3. The lands situated in the counties of Ingham, Clinton and Eaton, bid off to the state for taxes, on which the time of redemption has expired, and which were withheld from sale according to the requirements of the joint resolution number twenty-two of eighteen hundred and forty-seven, shall be offered at public sale under the direction of the Auditor General, by the treasurers of those counties in which they are respectively situated; and the auditor general is hereby required to cause to be published in the state paper for four weeks successively next previous to the day of sale, a statement of the several descriptions to be so offered, with the aggregate amount due on each description, to be ascertained and determined according to the provisions of the said twelfth section of the act above recited, and all such as remain unsold by the said county treasurers shall thereafter become subject to sale by private entry at the office of the Auditor General, on the terms and conditions prescribed for the sale of other "state tax lands" in the foregoing sections; and all bids made in behalf of the state on said lands, the redemption of which has not expired, may, on application at the said Auditor's office, be purchased according to the provisions of the sections aforesaid, concerning the sale of the bids on other lands similarly situated: *Provided*, That any person having an interest in any of the lands mentioned in this section, shall be permitted to redeem the same at any time prior to the sale of lands for taxes in October next.

Certain lands  
heretofore  
reserved  
may be of-  
fered at sale.

Sec. 4. Neither the sale of any state tax lands, nor the sale of any of the bids of the state for which the time of redemption has not expired, shall in any wise prejudice the right of the state to enforce the

Subsequent  
state tax not  
to be preju-  
diced by sale

collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

When aud. general may refund purchase money, &c.

Sec. 5. When any single description of state tax lands shall be sold for the taxes of two or more years, and it shall be made to appear to the Auditor General within the time prescribed by law, that the taxes for any year for which the same was originally bid off to the state were paid before sale, or were illegally assessed, or would be void for any other cause, he shall, on application, cause to be refunded to the purchaser the amount due and paid on account of said year's tax, with interest at the rate of seven per cent. from the day of sale until said purchaser was notified that said amount would be refunded; but the deed shall remain a valid conveyance to the purchaser of all the rights acquired by the state under the sale or sales for taxes of other years, not thus proved to have been illegal or void.

State to redeem in certain cases.

Sec. 6. Whenever any unsold state tax lands shall have been sold to individuals for the taxes of any year subsequent to that for which they were bid off to the state, it shall be the duty of the State Treasurer and Auditor General to redeem the same from such sale to individuals, if in their opinion the interest of the state would be promoted thereby.

All unsold state tax land to be offered at annual sale.

Sec. 7. All unsold state tax lands, remaining unredeemed or not otherwise disposed of according to law, may be re-offered at public sale at the annual tax sales in October of each year, by the treasurers of the several counties, under the direction of the Auditor General, according to the provisions of the act above mentioned.

Revised statutes amended.

Sec. 8. Section thirty-one of chapter twenty of the revised statutes of eighteen hundred and forty-six be and the same is hereby amended by adding after the word "thereto," in the third line, the following words: "and to all other taxes required by law to be assessed by him;" and section eighty-two of said chapter is also hereby amended by striking out in line fourth, the word "and" before "assigns," and inserting "or."

Sec. 9. All sales of state tax lands, or of the bids in behalf of the state, at the Auditor General's office, under the provisions of the act to provide for the sale of certain unsold state tax lands, and for other purposes, approved February seventeen, eighteen hundred and forty-six, and the act number seventy-two, amendatory thereof, approved April twenty-three, eighteen hundred and forty-six, which were made after the said acts were repealed, and also the sales at the said office of the bids in behalf of the state on lands sold for the taxes of eighteen hundred and forty-one, eighteen hundred and forty-two and eighteen hundred and forty-three, and which were previously held by the state as state tax lands, for the taxes of eighteen hundred and forty and previous years, and the deeds or certificates of purchase issued or to be issued on account of such sales shall be as valid as if said acts had not been repealed.

Sales of certain lands confirmed.

Sec. 10. That the seventieth section of chapter twenty of the revised statutes shall be and is hereby amended by adding thereto as follows :

Revised statutes amended.

"And accompanying or preceding such statements, the Auditor General shall cause to be published in the respective counties, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up ; and deeds given by the Auditor General to purchasers at such sales or their assigns, shall take effect according to the year's tax for which the deed may be given ; the deed for the latest year's tax taking precedence : and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Sec. 11. All laws contravening the provisions of this act, be and the same are hereby repealed ; and the provisions of the sixteenth section of the act number eighty-four aforesaid, shall be applicable to so much of this act as relates to the sales of the said " state tax lands," and to the sales of the bids thereon as above mentioned.

Repeal.

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

## No. 195.

AN ACT to amend an act entitled "an act to incorporate the village of Jackson."

Boundaries  
of the village  
of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the town of Jackson as is included in the following boundaries, to wit: commencing at a point on the township line two hundred and forty rods west of the north east corner of section three, in town three south, of range one west, from thence running north on the west line of the east half of the south west quarter of section thirty-four in township two south, of range one west, to the quarter post line one hundred and sixty rods, thence east on the east and west quarter post line, running through the centre of section thirty-four and thirty-five, in town two south, of range one west, four hundred and forty rods, thence south parallel with the east line of the west half of the south-east quarter of said section thirty-five, one hundred and sixty rods to the south line of the last said section in township two south, thence south parallel with the east line of the west half of the north-east quarter of section two, in township three south, of range one west to the quarter post line of said last named section, supposed to be one hundred and sixty rods, thence west on the east and west quarter post line of said section two and section three, four hundred and forty rods, thence north on the west line of the east half of the north west quarter of section three, in town three south, range one west, to the north line of said section three, to the place of beginning, supposed to be one hundred and sixty rods, shall be and the same is hereby constituted a town corporate by the name and title of the village of Jackson.

Village officers.

Sec. 2. The officers of said village shall consist of a president, recorder, treasurer, marshal, street commissioner, attorney, six trustees and two assessors, to be elected by a plurality of votes by ballot, of the inhabitants of said village having the qualifications of electors under the constitution of this state, and the common council of said village are hereby authorized to appoint such other officers as may be necessary under the provisions of this act. The election of officers herein provided for, shall be held in said village at such place as may be appointed by the common council, on the fourth Monday in April in the year eighteen hundred and forty-eight, and on the sec-

ond Monday in March in each year thereafter. The polls of such election shall be opened between the hours of nine and ten o'clock in the forenoon, and shall be continued until three o'clock in the afternoon of the same day and no longer. The name of each elector voting at such election shall be written in a poll list to be kept at such election by one of the common council. After the close of the polls at such election, the common council shall proceed without delay, publicly, to count the ballots unopened, and if the number of ballots so counted shall exceed the number of electors contained in the poll list, the president or recorder, if present, and if not, then some other member of the common council shall draw out and destroy unopened so many of the ballots as shall amount to the excess, and if two or more ballots shall be found rolled up or folded together they shall not be estimated; and thereupon the common council present at such election shall proceed immediately and publicly to canvass and estimate the votes given at such election, and shall complete the said canvass and estimate the same day or the next day, and shall thereupon certify and declare the number of votes given for each person voted for, and shall make and file a certificate thereof in the office of the recorder of said village, within twenty-four hours after the close of said canvass, and the person having the greatest number of votes shall be declared duly elected: *Provided*, If it shall happen that two or more persons shall have an equal number of votes for the same office, so that no election shall be had, a new election shall be had for such officers as shall have had such equal number of votes.

Sec. 3. It shall be the duty of the recorder of said village to give ten days' public notice in writing, in three public places in said village, and by publishing the same for two weeks in some newspaper published in said village, previous to the time of holding such election, of the time and place of holding all elections, both annual and special in said village, and every person offering to vote at such election before he shall be permitted to vote, shall, if required by any elector of said village, take the following oath: "I do solemnly and sincerely swear (or affirm) that I am a citizen of the United States, or that I was a resident of the state of Michigan at the time of signing the constitution thereof, of the age of twenty-one years, that I have been a resident of this state for six months next preceding this election, and for thirty

Their clerks  
annually, &c.

Recorder to  
give notice  
of elections.

Oath.

days last past I have been a resident of the village of Jackson, and have not voted at this election :” *Provided*, That in case any person so offering to vote at such election, shall have been assessed within the year last past for any poll tax as provided for in this act ; he shall, if so required as above stated, further swear that he has paid or tendered the same to the proper officer, and upon taking such oath, he shall forthwith be permitted to vote.

By whom administered.

Sec. 4. The president or recorder of said village is hereby authorized to administer the oath to electors contemplated by the third section of this act, and any person who shall knowingly and falsely take such oath, shall be deemed guilty of perjury, and on conviction thereof shall be liable to the same pains and penalties as are provided for the punishment of that crime by the laws of this state.

President, recorder and trustees incorporated.

Sec. 5. The president, recorder and trustees of said village shall be a body corporate and politic with perpetual succession, to be known and distinguished by the name and title of “ the Common Council of the village of Jackson,” and by that name they and their successors in office shall be known in law, and by such name shall be and they are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of this state and any other place whatsoever ; and may have a common seal and may alter and change the same at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, leasing, conveying and disposing of any real or personal estate for the use and benefit of said corporation.

Oath of office

Sec. 6. The president, recorder, assessors, treasurer and all officers provided for in this act, shall take and subscribe the constitutional oath before the recorder or some judge, circuit court commissioner, master in chancery, notary public or justice of the peace, and file the same within two days after notice of their election or appointment, and within ten days after such election or appointment, and the recorder is hereby authorized to administer such oath.

Recorder, marshal and treasurer to give bond.

Sec. 7. The recorder, marshal and treasurer shall give bonds to the common council in the penal sum of one thousand dollars, conditional for the faithful performance of their duties before entering upon the duties of their respective offices, with two or more sufficient sureties,

to be approved by the common council, and file the same in the office of the recorder.

Sec. 8. The president and trustees shall hold their office for two years and until others are elected. At the first election held after the passage of this act, six trustees shall be elected, and six ballots shall be made, three of which shall have written thereon, the words "one year," and three the words "two years," and each of said trustees so elected at such election, shall therefrom draw out of said box one of said ballots, and shall hold his office one or two years, as shall be indicated by the ballot by him drawn, and in each year thereafter, three trustees shall be annually elected.

Term of office of president and trustees.

Sec. 9. The assessors, marshal, street commissioner, attorney, treasurer and such other officers as shall be appointed by the common council, shall hold their offices for one year and until others are elected or appointed.

Of assessors, marshal, street commissioner, &c.

Sec. 10. The president, recorder and trustees, when assembled together and authorized, [organized,] shall constitute the common council of the village of Jackson, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, (though a less number may adjourn from time to time.) and the said common council shall hold their meetings at such time and place as the president, or in his absence, the recorder may appoint, and shall have power to impose, levy and collect such fines as they may deem proper for the non-attendance of the members of said council, or of any officers whose attendance is required : *Provided*, No such fine shall exceed the sum of five dollars for any one offence.

Com. council.

Sec. 11. In case of the death, resignation or removal of any of the officers provided for in this act, such vacancy shall be announced to the members of the common council by the president or recorder, and the said council shall thereupon convene as soon as may be, and order an election to be held to fill such vacancy, at any time within one month and not less than one week after such vacancy has occurred, and the same notice shall be given of such election, and the same shall be conducted in the same manner, as is provided for annual elections : *Provided however*, That the common council shall have power to fill vacancies that may occur in any of the offices except trustees, if within three months of the annual election. Every such appointment so made

Vacancies to be filled by appointment

by them shall be by resolution duly recorded, and a certificate of such appointment, signed by the president, shall be filed with the recorder, and the officers so appointed shall be qualified as aforesaid, and perform the duties of their respective offices.

**Removals  
from office.**

Sec. 12. The common council shall have power to remove at pleasure any officers by them appointed.

**By laws and  
ordinances.**

Sec. 13. The common council shall have power to make by-laws and ordinances relative to and regulating the duties, powers and fees of the marshal, treasurer, assessors and other officers, relative to the time and manner of working upon the streets, lanes and alleys of said village, relative to the manner of assessing, levying and collecting all highway and other taxes in said village, relative to the manner of grading, railing, planking and paving all side-walks in said village, and to setting posts and shade trees in all streets, lanes and alleys in said village, to lay out, grade and repair all streets, lanes and alleys, and to construct, make and repair all bridges in said village, and for preventing the same from being obstructed, and for the prevention and abatement of nuisances within said village.

**Idid.**

Sec. 14. The common council shall have power to make all such by-laws as may be necessary to secure the said village and the inhabitants thereof against injuries by fire, and persons from violating the public peace, for the suppression of riots, gambling and other disorderly conduct, and for the punishment of the same, for the apprehension and punishment of all drunkards, vagrants and idle persons, and they shall have power to make all such by-laws and ordinances as to them shall seem necessary for the safety and good government of said village and the inhabitants thereof, and to impose all fines and penalties and forfeitures on all persons offending against the by-laws and ordinances made as aforesaid.

**Duties of  
president.**

Sec. 15. It shall be the duty of the president to preside at all meetings of the common council, and to attend at the annual election of the officers. The president shall sign all licenses and warrants issued by order of the common council, and countersign all orders drawn upon the treasurer of said village.

**Recorder.**

Sec. 16. The recorder shall attend all meetings of the common council, and keep an accurate and fair record of their proceedings, and



in the absence of the president to preside and perform his duties or the common council may appoint a president pro tempore.

Sec. 17. The recorder shall within five days after the closing of the polls of any election, notify the officers respectively of their election. <sup>ib.</sup>

Sec. 18. The recorder shall be elected and hold his office for two years, and shall be a police justice of the peace, and shall have cognizance of all matters arising under and by virtue of this act of incorporation and the ordinances and by-laws made by the common council in virtue thereof, and may issue all summonses, warrants, executions or other processes to enforce the same, and proper judgments thereon to render, and in like manner and with like effect, as may be done by any other justice of the peace by the laws of this state, and all processes by him issued shall be tested and returnable in the same manner and returnable with the like effect, and the proceedings by them shall conform to and be conducted in like manner as is provided for and applicable to justices of the peace by the laws of this state.

Term of office of recorder, &c.

Sec. 19. The common council shall have the exclusive power and authority to license such persons as tavern keepers, common victualers, or retailers of spirituous and fermented liquors, as they may from time to time deem advisable and proper, within said village, under such regulations and restrictions as the common council shall by public ordinance establish; and licenses provided for in this section shall expire on the second Monday in April in each year; and to prohibit the sale of spirituous or fermented liquors in less quantities than twenty-eight gallons in said village: The common council shall have power to regulate the selling and measuring fire wood, and the weighing of hay; and to prescribe and designate the stand for carters and carts, for wood, hay and produce exposed for sale in said village; to prevent and punish persons for immoderate driving or riding in any of the streets, lanes or alleys in said village; to regulate and prohibit bathing in any public waters in said village; to prevent the encumbering or obstructing the sidewalks, public grounds or squares of said village; to provide for dykeing the Grand River, and clearing the same, within the limits of said village, of all wood, filth or other nuisances, and to regulate all grave yards for the burial of the dead in said village.

Genl power of council.

Ibid.

Sec. 20. The common council shall have power to establish the line upon which buildings may be erected, and beyond which buildings shall not extend ; to establish and organize all such fire companies, hose and hook and ladder companies, and to provide them with the proper engines and other implements as shall be necessary to extinguish fire and preserve the property of the inhabitants from conflagration ; to enrol and warrant so many of the inhabitants, willing to accept the same, as firemen, as they shall think necessary : *Provided*, Such number shall not exceed sixty for any one company ; and to provide suitable wells, cisterns or other means for furnishing water to extinguish fires in said village.

Village pound.

Sec. 21. The common council shall have power to establish a suitable pound, and to regulate the taking up and impounding animals, and to make such by-laws and ordinances relative to animals running at large in said village, as they shall think proper ; to provide such regulations as are proper to preserve the health of the inhabitants of said village, and to prevent the spread of contagious diseases.

Village taxes

Sec. 22. The common council shall have power and authority to levy, assess and collect a money tax upon all real and personal property in said village, but such money tax upon said property shall not exceed in any one year one-fourth of one per centum upon the valuation of said real and personal property, and said common council may also assess and collect a highway tax in addition to the money tax aforesaid, not exceeding the rate of one day's work for every one hundred dollars valuation of such real and personal property, to levy and collect a poll tax upon every male inhabitant of said village above the age of twenty-one years, not exceeding seventy-five cents per annum upon each person so taxed.

Side walks,  
&c.

Sec. 23. The common council shall have power to construct all such drains in such village as they think the public good may require, and to compel the owner or occupant of land, at their own expense, to construct, make, grade, pave, plank, or gravel and curb and rail all side-walks adjoining such lands, by ordinance, with suitable penalties, or by assessing the same upon the said land, in the same manner as is provided herein for the assessment of taxes ; and the common council may, at the expense of the said corporation, construct all side-walks across all streets, lanes and alleys, and public squares in said village.

Sec. 24. The common council, from the original assessment roll, shall make a duplicate, charging such [each] individual therein an amount of tax in proportion to the amount of real and personal estate of such individual within said village, and setting down in separate columns the amount of money tax, the amount of highway tax and the amount of poll tax, which duplicate shall be signed by the president and recorder, and shall be delivered to the marshal with the warrant thereto annexed, specifying the time within which the taxes therein named shall be collected, which time shall not exceed ninety days from the date of such warrant, but such time may be extended by a renewal of the warrant under the hand of the president and recorder for a time not to exceed one hundred and fifty days from the date of the original warrant, and the marshal shall collect the same within the time specified in his warrant, and in such manner as the by-laws shall direct.

Assessment  
roll and war-  
rant.

Sec. 25. The common council shall, at the expiration of each year cause to be published a just and true account of all moneys received or expended by them in their corporate capacity during the year next preceding such publication, and also the disposition thereof, previous to which they shall settle and audit the accounts of all officers of the village, or other persons having claims against the corporation, or accounts with it, and shall make out in detail a statement of all receipts and expenditures, which statement shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same was made, and the money expended under such appropriation, the amount of tax raised, both money and highway, and poll tax, and the amount expended upon highways, streets and bridges, and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the village.

Annual ac-  
count of com-  
mon council  
to be pub-  
lished.

Sec. 26. The common council shall cause the expenses of opening and surveying all streets to be paid as other contingent expenses of said village are paid.

Expense of  
opening and  
surveying  
streets.

Sec. 27. Whenever the common council shall lay out any new streets, lanes or alleys, or alter any old one, if the person owning the land through which such street, lane or alley, when so laid out or altered, shall pass, shall object thereto, and the common council cannot agree with such person or persons as to the amount of damages to be paid

Jury for as-  
sessment of  
damages to  
be had in  
certain cases

for such right of way, the common council or any person owning such land, his agent or attorney, may file a petition setting forth the line and boundary of such street, lane or alley with the recorder, and the recorder shall thereupon appoint a day, not more than twelve nor less than six days from the filing of said petition, for the hearing of the same, and may, if either party require it, and at such party's expense, cause a jury of six disinterested persons to be summoned to hear and determine upon the amount of damages to be allowed; and the verdict of the jury, or judgment of the recorder, shall be conclusive as to the amount to be paid; and when the amount of said verdict or judgment shall be paid or tendered to the person entitled to the same after the right of appeal shall expire, the right of way described in said petition shall immediately vest in the common council: *Provided however*, Either party may appeal to the county court as in other cases; and in case of appeal, the judgment of the county court thereon shall be final, and the common council shall, on the filing of such petition, make an offer of the amount which they will give to each person so interested and objecting for such right of way; and if the person shall not recover a judgment or verdict before the recorder for a greater sum, such person shall pay all the costs, and if such person shall recover more than the amount so offered them, the corporation shall be liable for and pay all costs; and if such case be appealed to the county court, then the right of way aforesaid shall vest in the common council, upon the treasurer of said village paying or tendering the amount of such judgment to the person entitled to the same. Either party filing such petition as is provided for in this section, shall give security for all the costs that may accrue in the case in such manner as securities are required to be given by the plaintiffs' in civil cases before justices of the peace, and execution may issue to collect the amount thereof against such security, in case the party giving such security shall by the judgment of the recorder or of the county court, in case the same is appealed, become liable to pay such costs; a profile of such street, lane or alley, describing the boundaries thereof, shall be filed in the office of the recorder, and a copy thereof filed in the office of the register of deeds of the county of Jackson, duly attested by the recorder, under the seal of said common council.

Appeal.

Sec. 28. Any person assessed for highway tax in said village, may

commute therefor by paying to the marshal of said village or the street commissioner, at the time such person shall be required to work the same, at the rate of seventy-five cents for each day so assessed ; and all highway taxes shall be estimated by the common council at the rate of seventy-five cents per day ; and persons working upon the highway shall be required to work thereon not less than ten hours for one day's work.

Commute  
of highway  
tax.

Sec. 29. Any person obstructing any street, lane or alley in said village, or the part thereof used or to be used for side-walks, who shall neglect or refuse to remove such obstruction after one day's notice, shall forfeit and pay for the use of said village the sum of five dollars and costs of suit for each day of such neglect or refusal to remove such obstruction ; and the common council may forthwith after such notice cause such obstruction to be removed at the expense of the person obstructing the same, or of any person interested in maintaining and keeping up such obstruction.

Obstruction  
of streets, &c

Sec. 30. The assessors of said village shall once in each year make an assessment roll, containing a description of all the property, both real and personal, in said village, and the name of the owner or occupants or agent thereof, if known, and the names of all persons liable to pay a poll tax, as provided for in this act, and shall set down in such roll the valuation of all such property at its fair cash value ; and when said roll shall be so made and completed, they shall give notice thereof by publishing the same in any newspaper published in said village, by at least two insertions in such paper, stating the place where such roll is left for the inspection of all persons interested, and of the time when, and place where they will meet to hear the objections of any person interested in the valuation so made by them ; and at the time and place so appointed the assessors shall meet, and on the application of any person considering himself or herself aggrieved, may review and reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessors, which oath the assessors are hereby authorized to administer ; and if any person shall consider himself aggrieved by the final decision of the said assessors, such person shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized, upon sufficient cause being shown, to reduce such val-

Duties of as-  
sessors.

uation. And the common council may, at any time before the tax is collected upon such assessment, review and correct any description of real estate which they may find to be erroneously or imperfectly described in such assessment roll.

Assessment  
a lien on real  
estate.

Sec. 31. Every assessment of any tax lawfully imposed or laid by the said common council on any lands, tenements and hereditaments, or premises whatever in said village, shall be and remain a lien on such lands, tenements, hereditaments and premises from the time of making such assessment or imposing such tax until paid, and the owner or occupant, or parties in interest, respectively, in said real estate, shall be liable upon demand to pay every such assessment or tax so made or imposed as aforesaid, and in default of the payment of such tax or any part thereof, it shall be lawful for the marshal of said village to seize upon, remove and sell the personal property of such owner or occupant, or to sell such real estate sufficient to pay and satisfy such taxes and the charges which may accrue, and it shall be lawful for the marshal of said village, in default of the payment of any tax imposed by the common council upon any inhabitants of said village or any person owning any property in said village, to levy upon, seize, remove and sell the personal property of such inhabitant or person so owning such property, sufficient to pay and satisfy such tax and the costs of such levy and sale. All sales of personal property as herein provided for taxes, shall be made in the same manner and upon like notice as is prescribed by the laws of this state for constable sales.

Sale of prop-  
erty for  
taxes.

Marshal to  
be collector  
of taxes.

Sec. 32. The marshal shall collect all taxes levied in and for said village, and be a police constable, and serve any and all papers that may be issued by the recorder or any other officer by virtue of this act of incorporation, and perform such other services as may be required of him, under and by virtue of this act, and shall be entitled to demand and receive the same fees and emoluments that constables are entitled to for similar services, and shall be entitled for and in the performance of his duties to the same privileges, and be subject to the same liabilities as constables are entitled to and subject to by the laws of this state.

Shall pay  
over to trea-  
surer.

Sec. 33. The marshal shall pay over all moneys by him received by virtue of his office as marshal of said village, belonging to said corporation, to the treasurer of said village, at such time and in such manner as the common council may direct.

Sec. 34. It shall be the duty of the marshal to arrest drunken and <sup>Duties of marshal and police justice.</sup> disorderly, brawling or riotous person or persons, or any other person whom he may find within said village, disturbing the peace of the inhabitants thereof, and to take such person or persons before the police justice of the village, and the said police justice shall thereupon proceed to hear, try and determine the matter upon proof, in a summary manner, and upon conviction of such person or persons, may sentence such person to pay a fine of not more than five dollars and costs, or to be committed to imprisonment in the county jail not more than ten days, or both such fine and imprisonment, at his discretion, and may further require such person to enter into recognizance in a sum not exceeding fifty dollars, to keep the peace, and for his good behavior for six months thereafter, and the sheriff of the county of Jackson is hereby authorized and required to receive and safely keep in jail such persons so committed such time as is prescribed in the warrant of commitment, upon the same terms as is provided for similar offences by the laws of this state.

Sec. 35. The marshal shall have the general provision of the streets, <sup>Marshal.</sup> lanes, alleys and side-walks in said village, under the direction of the common council, and shall see that the by-laws and ordinances of said village are duly and properly observed, within said village, and shall perform such other duties as the common council may direct, and shall receive such compensation for such services as the common council shall allow.

Sec. 36. Whenever any real estate shall be sold by said marshal for taxes, notice thereof shall be published in a newspaper printed in said village, once in each week for at least four weeks, and the said marshal shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the time when the purchaser will be entitled to a deed for said land, and if the person claiming title to the said lands described in the sale shall not <sup>Notice of sale of real estate for delinquent taxes.</sup> within one year from the date thereof, pay the treasurer of said village <sup>Redemption after sale.</sup> for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon, at the rate of ten per cent. per annum from the date of such certificate, the said marshal or his successor in office, shall, at the expiration of the said one year, execute to the purchaser, his heirs or assigns, a conveyance of the lands

Sale of personal property.

so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, subject to all the claims the state shall have thereon, and the said conveyance shall be prima facia evidence that the proceedings were regular according to the provisions of this act, and every such conveyance executed by said marshal under his hand and seal, and witnessed and acknowledged by the proper officer and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed regularly executed and acknowledged by the owner and duly recorded, may be given in evidence, and all personal estate so sold shall be sold in such manner as the common council may direct. And the common council may upon satisfactory evidence upon oath of the payment of any tax upon real estate, and that the same has been returned by mistake or otherwise improperly, or for any other irregularity in the return and sale of such real estate, cancel the certificate of sale before the same has been deeded, and may thereupon draw a warrant upon the treasurer for the amount of the purchase money and seven per cent. interest, and no deed shall thereupon be given upon such certificate of sale.

Fire companies.

Sec. 37. Each fire, hose and hook and ladder company of said village shall have power to appoint their own officers, pass by-laws for the organization and good government of said companies, subject to the approval of the common council, and may impose and collect such fines for the non-attendance or neglect of duty of any of its members as may be established by such by-laws and regulations of every company; and every person belonging to such company shall obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof, and the members of such company during their continuance as such, be exempt from serving on juries and working a poll tax on the highway or streets in said village; and it shall be the duty of every fire company to keep in good and perfect repair the fire engine, hose, ladders and other instruments of such company, and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by said common council, for the purpose of working or examining said engine and other implements with a view to their perfect order and good repair; upon the breaking out of any fire in said village, the marshal shall immediately repair to the place of such fire and aid and assist as well in extinguishing such fire as in



preventing any goods from being stolen, and also in removing and securing the same, and shall in all respects be obedient to the president, recorder and trustees, or either of them who may be present at the fire; and the common council shall have the power for the more perfect organization of the fire department of said village, to appoint fire wardens, who shall be clothed with powers and subject to such duties relative to the prevention of fires in said village as the common shall by ordinance direct; and the president, recorder and marshal of said village shall respectively have power to compel any by-standers at any fire in said village to assist and aid in the extinguishing thereof, and any person neglecting or refusing obedience to the orders of the said president, recorder or marshal, given at such fire, for the purpose of aiding in the extinguishment of such fire, and saving the property of the inhabitants from conflagration, shall forfeit and pay to use of said village a sum not less than five nor more than ten dollars for each offence.

Sec. 38. If any person shall keep an inn or tavern, or common victualer's shop in said village of Jackson, without being licensed therefor by the common council thereof, he shall forfeit and pay for the use of said village the sum of one hundred dollars.

Sec. 39. If any person shall retail or sell within said village any brandy, rum, gin, whiskey or other spirituous liquors, or any mixed liquors, part of which is spirituous, or any wine, beer or cider, in a less quantity than twenty-eight gallons, and that delivered and carried away all at one time, without being licensed thereto by the said common council, he shall forfeit and pay for the use of said village, the sum of twenty-five dollars for each and every offence; and no license so granted to keep an inn, tavern or common victualer's shop, shall protect any person from the penalty herein provided, for the sale of spirituous liquors, wine, beer or cider, unless the license shall expressly state therein that the person named in such license is authorized to sell such spirituous liquors, wine, beer or cider; any such penalties may be recovered in an action of debt by and in the name of the common council of the village of Jackson, before any court of competent jurisdiction.

Sec. 40. The declaration in any suit instituted to recover any penalty or penalties, forfeiture or forfeitures, incurred as provided for in

Form of declaration in such cases.

this act, may be in the following form, to wit : " The common council of the village of Jackson complains of A. B., and says that the said A. B. justly owes to the said common council the sum of        dollars for certain penalties and forfeitures which the said A. B. has incurred, and is justly entitled to pay, by reason that the said A. B. did, on the        day of        in the year        , and at divers other times within one year last past, in the village of Jackson, in the county of Jackson, in the state of Michigan, do and commit certain acts in violation of the laws relating to the village of Jackson, touching [here state the general nature of the act or acts complained of,] and therefore the said common council bring suit." And the defendant may plead thereto as follows, to wit : " The said A. B. is not indebted to the said council as above alleged." And under such declaration evidence may be given of any violation of the provisions of this act of incorporation, or of any by-law or ordinance made in pursuance thereof; and judgment may be rendered thereon for so many distinct violations of the provisions of said act or the said by-laws or ordinances as shall be proven : *Provided*, No justice of the peace shall render judgment for a greater sum than one hundred dollars in any one suit; and under such plea the defendant may give any competent testimony in exculpation of such charge. And the court before whom such suit is brought and such judgment recovered, may forthwith issue an execution against the goods and chattels of the defendant, and for the want thereof against the body of the defendant, in like manner and with effect as similar executions may be issued under the laws of this state : *Provided however*, That any such defendant may, by one or more sufficient sureties, within five days stay such judgment and execution in the same manner and (with) like effect as other executions may be stayed by laws of this state : *And provided also*, That such suit, if before a justice of the peace, may be appealed to the county court as in other cases.

Form of plea &c.

Exhibitions prohibited without license.

Sec. 41. No person or persons shall exhibit within said village, any circus, menagerie, theatre or theatrical performance, or as common showmen, without being first duly licensed therefor by the common council, under a penalty of one hundred dollars for every offence, and to be imprisoned in the county jail for thirty days and until such penalty shall be paid or he shall be discharged by law; and the common

council shall in no case grant a license to any circus for a less sum than twenty-five dollars per diem.

Sec. 42. Any person offering to exhibit any such circus, theatre, theatrical performance, menagerie or as common showmen without such license, may be forthwith arrested by the marshal or any other constable residing in said county, and brought before any court having jurisdiction thereof, and upon conviction thereof shall be fined the sum of one hundred dollars and stand committed to the county jail until paid or until he be discharged according to law.

Penalties for breach of the law.

Sec. 43. No person shall be licensed to keep a billiard table or ball alley or any pin alley within said village, by the common council, for a less sum than twenty-five dollars, and any person keeping such billiard table, ball alley or pin alley without a license from the said common council therefor, shall forfeit and pay to the said village, the sum of twenty-five dollars for every day's offence. Any person who shall keep any gambling houses or places of resort for persons to gamble within said village, and all persons who shall resort to any such place and gamble or for the purpose of gambling, shall forfeit and pay for the use of said village a sum not to exceed twenty-five dollars for each and every offence.

Billiard and ball alley, license &c., penalties.

Sec. 44. In all prosecutions, processes and other proceedings wherein the common council of said village shall be a party, no inhabitant or citizen of said village shall be deemed an incompetent juror or witness on account of the interest of such inhabitant or citizen in the event of such proceedings: *Provided*, That such interest be only that which exists in common with the citizens of said village. Whenever any action or suit shall be commenced against said corporation, the same shall be commenced by summons, which shall be served by leaving a copy thereof with the recorder at his office, or in case of his absence therefrom, at his usual place of residence, at least six days before the return day thereof, and the recorder shall thereupon inform the common council thereof.

Citizens competent witnesses in suits where village is interested.

45. In all prosecutions for fines, penalties or forfeitures, as provided in this act, the first process may be by warrant or summons shall be served and returnable in like manner, and the same writs may be had, as near as may be, as other proceedings of a kind under the laws of this state. The police justice of said

Process.

village, or any justice of the peace of the township of Jackson, is hereby authorized and empowered to hear and determine all offences which shall be committed within the limits of said village, against any of the provisions of this act, or against any of the by-laws or ordinances passed by the said common council in pursuance thereof, and punish the offender or offenders, as is prescribed by this act or by the by-laws or ordinances of the said village : *Provided*, That any person arrested for violating any of the provisions aforesaid, may demand a trial by jury.

**Docket of recorder.**

Sec. 46. The docket of the recorder, kept by him as police justice, shall be and remain a public record in his office, and shall be by him delivered over, together with all other books and papers belonging to the office of recorder, to his successor in office, and his successor in office shall be authorized to continue and complete all proceedings commenced by his predecessor in office as such police justice.

**Compensation of officers.**

Sec. 47. The recorder, treasurer, marshal, assessors, attorney, street commissioner, and such other officers as may be appointed by the common council, shall receive such compensation for their services as the common council shall allow, but the president and trustees shall receive no pecuniary compensation.

**General laws.**

Sec. 48. The inhabitants of said village shall be liable to the operations of any and all laws relating to township government, except so far as is herein otherwise provided.

**By-laws to be published**

Sec. 49. Before any by-laws or ordinances of said village shall hereafter take effect, it shall receive at least three insertions in a public newspaper printed in said village, and the printed copy so published under the authority of the common council, shall be admitted as prima facie evidence thereof in all courts in this state where the same may come in question.

**Repeal.**

Sec. 50. All acts or parts of acts heretofore passed, which are inconsistent with this act, so far as said village is concerned, are hereby repealed, but such repeal shall not affect any act done, proceeding had, or any tax sale made, or any by-law or ordinance made, but the same shall remain and be as valid and effectual as if this act had not been passed : *Provided*, Such by-laws and ordinances shall conform to the provisions of this act.

Sec. 51. This act shall be deemed a public act, and shall take effect and be in force from and after its passage;

Approved April 3, 1848.

No. 196.

AN ACT to amend chapter one hundred and seventy-two of the Revised Statutes of one thousand eight hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That chapter one hundred and seventy-two of the revised statutes of one thousand eight hundred and forty-six be and the same is hereby amended as follows :

*Revised statutes amended.*

Sec. 2. Amend section six by striking out the words "his pleasure" in the last line, and insert instead thereof the words "during the pleasure of the board of inspectors." Section sixteen is hereby repealed.

*Chap. 172, sec. 6, 16.*

Sec. 3. Section nineteen is hereby amended so as to read as follows : " There shall be paid to the officers of the prison the following annual salaries, to be paid quarterly at the office of the prison, to wit : to the agent, seven hundred dollars ; to the deputy keeper, five hundred dollars ; to the clerk, five hundred dollars ; and to the assistant keepers, a sum not exceeding four hundred dollars each, as the inspectors shall deem just and reasonable ; to the chaplain, four hundred dollars, and to the physician, such sum as the inspectors shall allow."

*Sec. 19.*

Sec. 4. Amend section twenty by adding thereto the words " the chaplain shall be the librarian, he shall have charge of the library, and of the distribution and management of the books," Also, amend section twenty-five by adding after the word "agent" in the first line, the words "under the rules and regulations adopted by the board of inspectors for the direction and government of all the officers of the prison" ; and amend section twenty-seven by striking out all after the word "convicts" in the third line to and including the word "and" in the fifth line.

*Secs. 20, 25, and 27.*

Sec. 5. Section twenty-eight is hereby amended so as to read as follows : " The agent shall cause a notice to be published in the state paper and in a paper published at the village of Jackson, for at least three weeks previous to the day appointed for letting the labor of the convicts, which notice shall state that sealed proposals will be received

*Sec. 28.*

for the labor of convicts; also stating the number of convicts to be let and the branch of business they are to be engaged in. All contracts made by the agent shall be reduced to writing and approved by the inspectors, or a majority of them, and one copy of every contract shall be filed in the prison office."

Secs. 35, 55. Sec. 6. Section thirty-five is hereby repealed, and section fifty-five amended by striking out the word "three," in the fourth line, and insert instead thereof the word "ten;" also by adding thereto the following, to wit: "and such further sum not exceeding in all twenty-five dollars as such convict may earn by doing overwork for contractors, under such regulations as the inspectors may prescribe; such overwork to be charged and collected of the contractors in the same manner as the regular labor of the convicts: *Provided*, That no one convict shall be allowed to do overwork to an amount exceeding two dollars in any one month."

Sec. 67. Sec. 7. Amend section sixty-seven by striking out all after the word "be," in the second line, and insert "audited and allowed by the board of supervisors of the counties from which the convicts are sent."

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 197.

AN ACT to amend an act entitled "an act to authorize the sale of the Central Rail Road and to incorporate the Michigan Central Rail Road Company."

Act amend'd Mich C. R. R. co. powers extend'd  
 Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the Michigan central rail road company to aid and assist any incorporated rail road company or companies authorized and having power to build a rail road from the southern line of this state near Lake Michigan to the city of Chicago in the state of Illinois, or over any part of said distance, in the construction, maintenance and operation of any such rail road, to connect the central rail road from its western terminus with said Chicago, and for such purpose may take and hold stock in any such incorporated rail road company or companies, and may en-

ter into any contracts or agreements to make or to guarantee loans of money to any such company or companies, or to furnish to the same rail road iron or other materials or locomotive power, or to operate such rail road, and all such contracts and agreements, and all securities and obligations made, entered into or taken by said Michigan central rail road company, in consideration of any such contracts or agreements, shall be in all respects valid and effectual in law: *Provided*, That nothing in this act contained shall be construed to authorize the said company to carry on the business of banking or brokerage or to take or hold stock in any incorporated banking company: *And provided also*, That nothing in this act shall be so construed as to change the western route of said central rail road, as fixed by section five of the act to which this act is amendatory.

Sec. 2. This act shall take effect whenever the said company shall file their acceptance of the same in writing, signed by the president of said company, under its corporate seal, in the office of the Secretary of State: *Provided*, Such acceptance shall be so filed within six months from the passage of this act. Act conditional.

Approved April 3, 1848.

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No. 198.

AN ACT making appropriations for the salaries of the State Officers for the year eighteen hundred and forty-eight.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby are appropriated out of any moneys in the state treasury to the credit of the general fund not otherwise appropriated, the following sums: for the salaries of the Governor, and Associate Justices of the Supreme Court, fifteen hundred dollars each; for the salary of the Chief Justice of the Supreme Court, sixteen hundred dollars; for the salaries of the Auditor General, State Treasurer and Commissioner of the State Land Office, one thousand dollars each; for the salary of the Secretary of State, eight hundred dollars; for the salary of the Attorney General, including his actual necessary expenses, eight hundred dollars; to the Superintendent of Public Instruction, the sum of five hundred dollars; for the salary of the Recorder of the Land Office, four hundred dollars; for the salary of the Adjutant General, three hundred dollars; for the Salaries of state officers.

salary of the Quarter Master General, one hundred and fifty dollars ; for the salaries of the deputy State Treasurer and deputy Auditor General, seven hundred dollars each ; for the salaries of the two regular clerks of the Auditor General, six hundred dollars each ; for the salaries of the deputy Secretary of State, assistant Librarian, and deputy Commissioner of the Land Office, and one clerk in said office, five hundred dollars each.

Assistant Librarian and private sec.

Sec. 2. The sum of six hundred and fifty dollars is hereby appropriated for the following purposes, and the State Treasurer is hereby authorized and directed, out of the last above appropriation, to pay the assistant Librarian the sum of three dollars per day during the time he has been or may be in the service of the state as such librarian, to be paid on certificate of the Secretary of State, and the Private Secretary of the Governor, the sum of three dollars per day during the time he may be in the service of the state after the adjournment of the legislature, to be paid on the certificate of the Governor : *Provided*, The time for which such officers shall be paid, shall not exceed eight days beyond the actual period of the session of the legislature.

Sec. 3. The salaries above specified shall be payable quarterly, commencing from the first day of March, in the present year, or at the same rate for fractional quarters.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 3, 1845.

### No. 199.

AN ACT to incorporate the St. Joseph Valley Rail Road Company.

Comrs appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John F. Porter, Tolman Wheeler, Rodney C. Paine, Benjamin C. Hoyt, Jacob Compton and Thomas Fitzgerald, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the St. Joseph Valley Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days no-



tice of the times and places of taking such subscriptions, in some newspaper printed in the city of Detroit and in the village of Niles.

Sec. 2. The capital stock of said company shall be one million dollars, in ten thousand shares of one hundred dollars each ; and as soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic, by the name and style of the St. Joseph Valley Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Capital.

Incorporated

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of St. Joseph, in the county of Berrien, via the village of Cassopolis, in the county of Cass, to any point in the county of St. Joseph, upon the most desirable route, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the force and power of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

Route and description of road.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of said rail road, and shall not within ten years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

When road to be commenced.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within five years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, giving thirty days' public notice of such

1st meeting of subscribers.

meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors to  
be chosen  
annually.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

General  
meeting.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of such meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

Annual state-  
ment of offi-  
cers.

Sec. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the

preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president, or any directors of said company, and elect others in their stead : *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of stock in said company ; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State : *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company, as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the powers in relation to the management of such boats or vessels as an individual might lawfully do.

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use all such lands so designated for the line or construction of

Powers of  
directors.

Co. may ap-  
propriate &  
use lands, &c

said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appurtenances to said rail road, not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for the same in manner hereinafter provided.

May enter  
upon lands  
of others.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by the felling of such trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances ; and also to make, repair, maintain and alter any

fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

Sec. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers, or either or any of them, be a femme cover'd, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the su-

May receive  
grants of  
lands, &c.

Assessment  
of damages.

preme court, for an assessment and inquisition as hereinafter provided.

Notice of assessment.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper, if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Jury of in-  
qu. of as-  
sessment.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said

county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the said time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately surpmon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation ; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition ; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

*Inquisition.*

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof for such term of time as the same may be required for the purposes authorized by this act ; and in case the party entitled to re-

*Effect of payment or tender of damages.*

ceive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same ; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court ; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid ; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then, in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed ; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Regulation,  
when co  
may inter-  
sect roads.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide



for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

Penalties.

Side tracks.

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power, or any of the rights or privileges aforesaid; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Connection with crossing rail road, canal, &c.

Sec. 19. The said company shall have power to purchase with the funds of the company, or contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages or

Powers of company.

vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property whatever upon said rail road or any part of it, without the license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road, shall be vested in the said company forever; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Tolls and  
dues for  
transportat'n

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith. But such tolls or dues shall not exceed the maximum to be charged by the Michigan central rail road company for corresponding distances; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor, and with

For storage.

all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course or road or highway, lying on the route of said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness. May cross streams.

Sec. 22. The said company may annually or semi-annually, make such dividend as they may deem proper, of the net profits, receipts or income of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares. Dividenda.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof: and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of Assessments on shares of stock.

sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale : *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

General  
powers of  
directors.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Annual re-  
port.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be ; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road ; the amount of dividends, the names of the stockholders, with the amount of stock owned by each, respectively ; receipts from freight, from passengers, and from all other sources on account of operating the road ; the number of through and way passengers, respectively ; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditure made for construction during the year ; the number of engines, of passenger, freight and other cars ; the average number of men in employment of the company ; the number of miles run by passenger, by freight and other trains, which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

Annual tax.

Sec. 26. The said company shall pay to the state an annual tax of half of one per cent upon its capital stock paid in, including all loans made by said company, for the purpose of constructing said rail road,

until the first day of February, A. D. one thousand eight hundred and sixty, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company ; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said road or company.

State lien.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court ; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by action of trespass or trespass on the case.

Trespass,  
&c.

Sec. 29. Said company shall at all times, if required by the post office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department ; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commis-

Transporta-  
tion of U. S.  
mail.

sioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

State right  
to purchase  
road.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

Duration of  
charter.  
Repeal, &c.

Sec. 31. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act.

Lien of inhabitants.

Sec. 32. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Sec. 33. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 200.

AN ACT to create a board of fund commissioners, and to define their powers and duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State Treasurer, Auditor General and Secretary of State, be and are hereby constituted a board of fund commissioners. Board constituted.

Sec. 2. Whenever, after paying or reserving a sum sufficient to meet all liabilities payable from the general fund, for the current expenses of the state government, and for the payment of interest on state indebtedness provided for by law, there shall be in the state treasury a surplus over and above such liabilities, the board aforesaid shall have power and it shall be their duty to invest the same as they may find for the best interest of the state, in the purchase of stock, bonds and other liabilities of this state. When surplus in treasury board shall invest the same in state stocks, &c.

Sec. 3. Said board before purchasing any such stocks or other evidences of debt, shall cause a notice to be published by three insertions in one or more daily papers of the largest circulation in each of the cities of Detroit and New York, that proposals for the sale of stock or other evidence of debt of this state, not then past due, will be received by the fund commissioners at the seat of government, at any time prior to a day specified in said notice, and which shall be at least two weeks subsequent to the first publication of said notice in either of the cities aforesaid. No such stocks or evidences of state indebtedness shall be purchased at more than par value, and the commissioners shall in all cases accept of the lowest bids; but preference shall be given at the same prices for the state indebtedness first to become due. Board shall advertise before purchasing, and shall not purchase at more than par value.

Sec. 4. The State Treasurer shall be charged on the books of the Auditor General with the amount of discount allowed on the purchase of the stocks, bonds or other liabilities above mentioned; and upon cancelment of the same shall be credited with the payment thereof at their par value. Accounts of treasurer.

Sec. 5. The said board shall keep a record of all their proceedings, and submit a report thereof to the legislature each year at the commencement of their annual session. Record of board and report of proceedings.

Approved April 3, 1848.

## No. 201.

AN ACT in relation to rooms for the Supreme Court in the city of Detroit, and armory and office for the Adjutant General.

Sup. court  
at Detroit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the clerk of the supreme court for the first circuit, under the direction of the justices of said court, be and is hereby authorized to fit up or cause to be fitted up the room in the state building in Detroit, formerly used as the office of the Auditor General, for a court room for said court, in lieu of the upper room in said building now used for that purpose.

Clerk to fit  
up rooms.

Sec. 2. The said clerk, under the direction of the court, shall also cause to be fitted up the two rooms over the above mentioned room for the court, as consulting and reading rooms, with necessary desks, book cases and other proper furniture.

Appropriation

Sec. 3. A sum not exceeding one hundred and fifty dollars shall be and is hereby appropriated for fitting up and furnishing said rooms; and the Auditor General, on the certificate of said clerk that any work authorized under the preceding sections has been executed and accepted, or materials delivered, in pursuance of a contract or agreement made by him to that effect, shall credit [audit] and allow the account for such work or materials, and draw a warrant on the State Treasurer, payable out of the above appropriation.

Adjutant  
Gen's room,  
and appropriation  
therefor.

Sec. 4. The room now occupied as a supreme court room and the rooms on the south side on the first floor shall be placed at the disposal of the adjutant general for an armory and office; and a sum not exceeding fifty dollars shall be and is hereby appropriated for fitting up the same, to be paid on the certificate of the adjutant general that accounts for work or materials done or furnished are correct.

Sec. 5. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 202.

AN ACT to incorporate the Genesee and Oakland Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry M. Henderson, Addison



Stewart, James B. Walker, Enos Goodrich, James Kipp, Elijah B. Clark, Horace C. Thurber, and John S. Goodrich, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Genesee and Oakland Rail Road Company, hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription, in some newspaper printed in the city of Detroit and in the villages of Flint and Pontiac.

Sec. 2. The capital stock of said company shall be two hundred and fifty thousand dollars, in two thousand five hundred shares of one hundred dollars each; and so soon as five hundred shares of said stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic, by the name and style of the Genesee and Oakland Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to the village of Flint, in the county of Genesee, in the state of Michigan, passing through the most desirable and eligible route, through the counties of Oakland and Genesee, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of the said rail road,

and shall not within ten years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

1st meeting  
of subscri-  
bers.

Sec. 5. Whenever five hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them, shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Directors to  
be chosen  
annually.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in October, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in preceding section.

General  
meeting.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of meeting; and when any such meeting is

called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

Sec. 8. At each annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at all general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any of the president, or any directors of company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Annual statement of officers.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State: *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company; as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and

Powers of directors.

from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the powers in relation to the management of such boats or vessels as an individual might lawfully do.

Co. may appropriate & use lands, &c

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to their use all such lands so designated for the line or construction of said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appertaining to said rail road, may take, have, use and occupy any lands on either side of said rail road not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for same in manner hereinafter provided.

May enter upon lands of others.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by the felling of trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences

above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may be wanted in the construction or repair of said road or any of its works or appurtenances; and also to make, repair or maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using and maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

Sec. 12. The said company shall have power to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, gravel, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all

May receive  
grants of  
lands, &c.

Assessment  
of damages.

interests or estates therein, to them and their assigns, in fee or otherwise ; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof ; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided.

Notice of as-  
sessment.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the said county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper if there be one, and if there be none, then in some newspaper printed in the city of Detroit ; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description ; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise ; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact ; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Jury in-  
quest of da-  
mages.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from

such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall thereupon be deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested, then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to the said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense

of said company, but if not confirmed, another inquisition may be taken in the manner above specified.

Effect of payment or tender of damages.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occupier thereof for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this state of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to, or vested in said company, then, in any and all such cases such company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff, coroner or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by



them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or property along the same; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

*Regulation,  
when co.  
may inter-  
sect roads.*

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

*Penalties.*

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power or any of the rights and privileges aforesaid; and

*Connection  
with cross-  
ing rail road,  
canal, &c.*

every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their several corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Powers of  
company.

Sec. 19. The said company shall have power to purchase with the funds of said company, or contract to for and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property of any description whatever upon said rail road or any part of it without the license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road shall be vested in the said company forever, and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Tolls and  
dues for  
transportation.

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge

and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to the owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor, and with all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course <sup>May cross stream.</sup> or road or highway, lying on the route of said rail road, it shall and may be lawful for the said company to construct their rail road across or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Sec. 22. The said company may annually or semi-annually, make such dividend as they may deem proper, of the nett profits or income <sup>Dividends</sup> of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Sec. 23. It shall be lawful for the directors to require payment of the sum subscribed to the capital stock of said company at such times <sup>Assessments on shares of stock.</sup> and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to

sell such shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof : and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares shall sell for more than the assessments due, with interest and cost of sale : *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

General  
powers of  
directors.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company.

Annual re-  
port.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be ; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road ; the amount of dividends, the names of the stockholders, with the amount of stock owned by each, respectively ; receipts from freight, from passengers, and from all other sources on account of operating the road ; the number of through and way passengers, respectively ; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating the road, and the expenditure made for construction during the year ; the number of engines, of passenger, freight and other cars ;

the average number of men in employment of the company ; the number of miles run by passenger, freight and other trains, which report shall be verified by the affidavit of at least two of the directors, and filed in the office of the Secretary of State.

Sec. 26. The said company shall pay to the state an annual tax of one half of one per cent upon its capital stock paid in, including all loans made by said company, for the purpose of constructing said rail road, until the first day of February, A. D. one thousand eight hundred and fifty-eight, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every other tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

Annual tax.

Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company ; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said rail road or company.

State lien.

Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending, shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court ; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to

Trespass, &c.

be recovered in the name of said company, with costs of suit, by action of trespass or trespass on the case.

Transportation of U. S. mail.

Sec. 29. Said company shall at all times, if required by the post-office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commissioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

State right to purchase road.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said rail road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

Limitation of powers.

Sec. 31. No provision of this act shall be so construed as to authorize said company to use any of its capital either directly or indirectly, in any banking, brokerage or stock-jobbing transaction.

Repeal.

Sec. 32. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years after

the passage of this act, unless for some violation by said company of some of the provisions of this act.

Sec. 33. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 203.

AN ACT concerning the village of Hillsdale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the incorporation of the "village of Hillsdale," and the powers and duties of the president and trustees of the village of Hillsdale, made and conferred by an act entitled "an act to incorporate the village of Hillsdale," approved March sixteenth, eighteen hundred and forty-seven, shall be as full and effectual as if the requirements of section three of said act had been in every respect complied with, and the duties, liabilities and powers of the officers of said incorporation, and the by-laws, ordinances and regulations for its government heretofore made, and all the acts done in conformity thereto, shall be as valid and binding as if the organization under said act had been in every respect legal.

Certain acts  
legalized.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 204.

AN ACT to authorize the corporation of the village of Adrian to borrow money for the purposes therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the president and trustees of the village of Adrian to borrow, on the faith and credit of said village, any sum of money not exceeding twenty-five thousand dollars, for a term not exceeding thirty years, at a rate of interest not exceeding seven per centum per annum, and to execute bonds therefor, under the common seal of the corporation of said village, and

Cert'n sums  
of money  
may be  
loaned.

the signature of the president : *Provided*, That no such loan or bonds shall be made as aforesaid until after the subject shall have been submitted to the electors for their approval or rejection. The bonds so to be executed may be for sums not less than five hundred dollars each, and not exceeding in the aggregate the sum of twenty-five thousand dollars : the said bonds to be in such form, and the principal and interest made payable at such places and times, not exceeding thirty years, as may be agreed upon by the lenders.

Vote of electors on proposal to loan, as above.

Sec. 2. For the purpose of determining whether said loan shall or shall not be made, the electors of said village may, at the next ensuing annual charter election in said village, vote thereon by ballot, and every ballot in favor of said loan shall have written or printed thereon the words "loan—yes," and every ballot against said loan shall have written or printed thereon the words "loan—no." All ballots given for or against such loan at such election, shall be received and counted by the inspectors of such election, in the same manner that other ballots are received and counted, and the result of such vote shall be certified by such inspectors, and no such loan as aforesaid shall be made, unless it shall appear from such certificate that a majority of the lawful electors voting at such election shall have voted in favor thereof.

Investment of money borrowed.

Sec. 3. The money to be borrowed by authority of this act, shall be invested in such stock of the Adrian and Bean Creek plank road company as may be created by law, and shall be used for no other purpose whatever ; and for that purpose the president and trustees of the village of Adrian, in the corporate name of said village, may subscribe for or purchase such stock, to the amount of said sum of twenty-five thousand dollars ; and by virtue of said subscription or purchase of stock, and upon receiving certificates or the transfer of certificates for the amount of said said stock so by them to be subscribed for or purchased, the president and trustees of said village shall acquire all the rights and privileges, and be liable to the same responsibilities as other owners of such stock.

Sec. 4. This act shall take effect immediately.

Approved April 3, 1848.



## No. 205.

AN ACT to amend an act to provide for the draining of swamps, marshes and other low lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an act to provide for the draining of swamps, marshes and other low lands, be amended so that the commissioners appointed under and by virtue thereof, shall have power to locate or relocate drains or to alter or vary the size thereof: *Act amended* **Provided**, That no such alteration or variation shall be made without the consent of the contractor. But if at any time said commissioners shall extend, alter, locate or relocate any drain, thereby increasing the expense of such drain, then and in such case they shall make report of their doings from time to time according to the facts, to the county court of the proper county, who shall in all cases act in accordance with the provisions of this act and the act to which this is amendatory.

Sec. 2. Whenever any orders drawn by the commissioners shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall indorse thereon the date of such presentation, with his signature thereto, and such orders shall draw interest from and after such presentation and endorsement.

Sec. 3. Whenever any drain shall be laid upon any public road, or where drains have been laid and roads shall hereafter be laid out beside said drain, it shall be the duty of commissioners of highways and overseers of their respective road districts, to keep said drains open and free of all obstructions.

Sec. 4. If any person shall wilfully or maliciously obstruct or injure any drain laid out by and under the provisions of this or the act to which this is amendatory, he shall be subject to fine not exceeding ten dollars, together with such sum as will be required to repair said damage, and costs of suit; which fine may be recovered in any action of debt at the suit of any one of said commissioners before any justice of the peace of the proper county. And when any recovery shall be had, and the same collected, it shall be paid the complainant and

by him deposited with the township treasurer in the township where such damage occurred, for the benefit of highways in such township.

Sec. 5. Section nine is hereby amended by inserting after the word "taxes," in the eighth line, the words "but the Auditor General shall not be required to credit or pay to either of the counties, any such tax returned to his office until the same shall have been actually paid into the office of the State Treasurer for such taxes, or for the sale of the lands to individuals, or for the redemption or purchase of bids made by the state." And all lands on which such tax or assessment shall not be paid, and which are returned to the Auditor General's office for the non-payment thereof, shall be advertised for sale, at the same time and in the same manner as county taxes, excepting that the amount of such tax or assessments shall be stated and advertised in a line separate and distinct from all other taxes, and if such tax assessment shall not be paid previous to the day of sale, and if, when said lands shall be offered for sale for such tax or assessment by the county treasurer, no person shall bid for the said lands a sum equal to the tax or assessment thereon, together with the interest and charges, then the said lands shall be bid off by the county treasurer for the county, and the county shall thereby become vested with the same rights, and be subject to the same liabilities that the state acquire or sustain in and for lands bid off by such treasurer for the state, and such lands may be redeemed, or they may be sold by the county treasurer in like manner, and with like effect as lands bid in by the state for taxes, and all deeds given by the county treasurer for any of said lands, shall be prima facie evidence of the regularity of all proceedings to the date thereof.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 206.

AN ACT to amend the revised statutes of eighteen hundred and forty-six.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That the act entitled an act for revi-*

sing and consolidating the general statutes of the state of Michigan, <sup>Revised statutes amended.</sup> approved May eighteenth, eighteen hundred and forty-six, be and the same is hereby amended as follows :

Sec. 2. In chapter twenty-four, section twenty-one, after the word <sup>Chap 24, sec 21.</sup> "portion," in the second line, insert the words "over ten dollars."

Sec. 3. Chapter twenty shall be amended by inserting in the fifth line of the third section, after the word "interest," "either within or <sup>Chap 20, sec. 3.</sup> without this state."

Sec. 4. Chapter sixteen shall be amended by adding at the end of the fifty-fifth section, the words, "unless the person selected shall file <sup>Chap 16, sec 55.</sup> with the clerk of his township, within said ten days, a written notice stating that he declines accepting the office."

Sec. 5. Chapter ninety-two shall be amended by so altering the proviso at the end of the second section, that it shall read—" <sup>Chap 92, sec 2.</sup> *Provided*, That when the office of county judge or second judge shall become vacant from any cause, such vacancy shall be filled at the first general election thereafter, or at any annual township meeting."

Sec. 6. The thirty-second section of said chapter ninety-two shall <sup>Chap 92, sec. 32.</sup> be amended by striking out the words "in fifteen," in the last line of said section, and inserting the words "not less than ten nor more than fifteen."

Sec. 7. Chapter ninety-three of the revised statutes of this state be and the same is hereby amended as follows : Section ten shall be <sup>Chap 93, secs 10, 11 and 12</sup> amended by striking out all after the word "attachment," in the third line, and inserting the words "or writ of replevin." The eleventh and twelfth sections of said chapter are hereby repealed.

Sec. 8. Chapter one hundred and twenty-three shall be amended in <sup>Chap 123, sec's 3 & 13</sup> sections three and thirteen thereof, by inserting in each section, the words "his agent or attorney," immediately after the words, "the person entitled to the possession of the premises."

Sec. 9. Chapter one hundred and fifty shall be amended by striking <sup>Chap 150, sec's 44, 45 and 46.</sup> out sections forty four, forty-five and forty-six. Chapter seventy-nine shall be amended by adding to the fourteenth section, to stand as clause <sup>Chap 79, sec 14.</sup> four, the following : "By the purchaser of the title and right of redemption of the person against whom the execution issued." Section <sup>Chap 79, sec 19</sup> nineteen shall be amended by striking from the fifth line of said section the words, "and which shall be a lien and charge upon the prem-

Chap 79, sec 37. ises sold." Section thirty-seven shall be amended by inserting between the words "estate" and "may," first line, "and real estate sold

Chap 79, sec 38. on execution." Section thirty-eight shall be amended by inserting between the words "mortgage" and "or," in the third line, "or the amount of any sale of said premises sold on execution ;" and by inserting between the words "mortgage" and "shall," in fourth line of said section, "or execution sale."

Chap 79, sec added. Sec. 10. That said chapter seventy-nine shall be amended adding to the end thereof to stand as section fifty-three, the following :

"Section fifty-three. The provisions of the chapter shall apply to sales on executions prior to its taking effect, subject to the time of redemption allowed by law under which such sales were made."

Chap 56, sec 140. Sec. 11. Chapter fifty-eight shall be amended by striking out section one hundred and forty, and insert instead the following, viz : "The qualified voters of any school district, may by vote at their annual district meeting, raise by tax upon the taxable property of the district a sum not exceeding one dollar for every scholar in the district between the ages of four and eighteen years, for the support of common schools in the district, and such tax shall be reported to the supervisor of the proper township, and shall be levied, collected and returned in the same manner as township taxes are levied, collected and returned."

Chap 154, sec 49. Sec. 12. Chapter one hundred and fifty-four section forty-nine shall be amended by inserting between the words "the" and "freehold," in the eighth line, the words "cultivated and improved."

Chap 7, sec 9 Sec. 13. Section nine of chapter seven, shall be amended by adding at the end of said section the following : "And the board shall cause said statement to be published in a tabular form in one or more newspapers printed in the county where such election was held."

Chap 90, sec 110. Sec. 14. Chapter ninety shall be amended by adding to the one hundred and tenth section thereof the following proviso : "*Provided*, That in cases where the premises described in the mortgage are situated in different counties, a bill to foreclose such mortgage may be filed in the circuit court in chancery in a county where any part of the mortgaged premises are situated."

Chap 130, sec 9. Sec. 15. Chapter one hundred and thirty shall be amended by striking out of section nine all between the word "to," in line two, and

the word "specifying," in line three, and inserting in lieu thereof the following : "each purchaser a deed of the premises bid off by him."

Sec. 16. That section twenty-six of chapter thirty-eight be and hereby is amended by inserting next after the word "village," in the third line thereof, the following : "except the city of Monroe and the villages of Grand Rapids and Adrian." Chap 38, sec 26.

Sec. 17. Amend section one hundred and ninety of chapter ninety-three of the revised statutes, by adding to the end thereof the following: Chap 93, sec 190. "and whenever such vacancy shall happen by the division or any alteration of the boundary of a township or city, said books and papers shall be delivered to the clerk of the township or city, in which is the last place of residence prior to such vacancy of such justice."

Sec. 18. Chapter ninety-two shall be amended by adding to the thirty-fourth section thereof the following proviso : "Provided, That Chap 92, sec 31. when the premises described in the mortgage are situated in different counties, the said mortgage may be foreclosed in the county where the greater quantity of land so described is situated, and in case the respective parcels contain an equal number of acres, then such mortgage may be foreclosed in any one of the counties where any portion of said lands are situated."

Sec. 19. That chapter eight, section one be amended by striking out the words "associate judges of the circuit court," in the fifth line of said section. Chap 8, sec 1

Sec. 20. That section thirty of chapter ninety-two of said statutes be amended by adding to the end of said section the following : "and Chap 92, sec 39. against the body of said defendant when the same is authorized by law."

Sec. 21. That chapter twenty-eight of title six of the revised statutes of eighteen hundred and forty-six be amended by adding the following section to stand as a new section, between sections four and five of said chapter : "But if any such injury shall be done, within any road district, by the overseer of highways of such district, or with his assent, or if any overseer of highways of any road district shall refuse or neglect to prosecute for any such injury done within his district, it shall be the duty of the commissioners of highways of the town within which such district is situated, to prosecute for such injury in an action of trespass on the case, and cause the damages to be recovered in such Chap 28, sec added.

prosecution to be expended in the repair of roads in the district within which such injury shall have been done."

Place of holding county courts.

Sec. 22. It shall be lawful for the county court to be held at any place at the county seat other than the court house or house usually occupied as a court house, that the board of supervisors may designate.

Approved April 3, 1848.

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No. 207.

AN ACT to amend an act entitled "an act to incorporate the Adrian Insurance Company."

Act amended.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the third section of an act entitled "an act to incorporate the Adrian Insurance Company," approved April seventeenth, eighteen hundred and and thirty-nine, be amended by striking out after the word "until," in the eighth line of said section, the words "whole amount of shares subscribed," and inserting the following in lieu thereof: "fifty thousand dollars," so that as amended, the section shall read as follows :

"Sec. 3. The payments of the subscriptions shall be made and completed by the subscribers respectively, at the time and in the manner following: At the time of subscribing, there shall be paid on each share one dollar, and after the election of trustees, and before the company shall go into operation, two dollars: the balance due on each share shall be subject to the call of the trustees, and the said company shall not be authorized to make any policy or contract of insurance with any person until fifty thousand dollars shall be actually paid or satisfactorily secured to be paid, by endorsed notes, by hypothecated stocks or by mortgage on unincumbered real estate."

Approved April 3, 1848.

No. 208.

AN ACT to legalize the proceedings of the Trustees of the First Society of the Methodist Episcopal Church, in the township of Hadley in the county of Lapeer.

*Whereas*, The appointment of the trustees of the first society of the Methodist Episcopal Church in the township of Hadley, in the county of Lapeer, was not made by Duncan McGregor, the preacher in charge, under seal, as required by law : *And Whereas*, The trustees of said first society have purchased real estate for said church, and built a house thereon for public worship ; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the appointment in writing of the trustees of the first society of the Methodist Episcopal Church of the township of Hadley, in the county of Lapeer and state of Michigan by Duncan McGregor, the preacher in charge, December twentieth, eighteen hundred and forty-one, be and the same is hereby declared to be as legal and effective in law and equity as if the said appointment was made under seal, and shall be so deemed and declared in all courts of law and equity in this state. That all of the acts of the trustees, under and by virtue of said appointment, shall be as binding in law and equity, as they would have been if said appointment had been made under seal.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 209.

AN ACT to incorporate the Macomb County Mutual Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John Stephens, Robert F. Eastman, Edward C. Gallup, Peter Kibbee, Horace H. Cady, Charles W. Chapel, John James, Dexter Murphy and Nathan Dickinson, and all other persons residing in or owning property within the county of Macomb, who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of the Macomb <sup>Incorporated</sup>

County Mutual Insurance Company, for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property, situate and being within said county, against loss or damage by fire.

Insured,  
members of  
corporation.

Sec. 2. All persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assigns, continuing to be insured therein as is hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation and no longer.

Board of di-  
rectors.

Sec. 3. The affairs of said company shall be managed by a board of directors consisting of nine members as hereinafter provided; all vacancies happening in said board may be filled by the remaining directors for the remainder of the year for which they were elected; and a majority of the whole shall constitute a quorum for the transaction of business.

1st directors,  
their subse-  
quent elect'n  
annually.

Sec. 4. The persons named in the first section of this act shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act, and until others shall be chosen in their place; which board of directors shall hereafter be elected in each year, at such time and place in the village of Mt. Clemens as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one of the public newspapers printed in said county at least thirty days immediately preceding such election. Such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company.

Rates of in-  
surance.

Sec. 5. The directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Insured to  
give note, &c

Sec. 6. Every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such a sum of money as shall be determined by the board of directors; a part, not exceeding five per cent of said note, shall be immediately paid; and the remainder of said deposite note shall be payable in part or the whole at any time



when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid; after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof. And it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unincumbered real estate of double the value of the sum loaned.

Sec. 7. When any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note upon the payment of his proportion of all losses and expenses that accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation, the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy was issued was entitled and subjected under this act.

When policy  
to be surren-  
dered, &c.

Sec. 8. Every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid accruing in and to said company, in proportion to the amount of his deposit note; and all buildings insured by said company together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company; and said company shall have a lien thereon in nature of a mortgage, to the amount of his deposit note, which shall continue during his policy; the lien to take effect whenever the said company shall file with and have entered in the book of mortgages kept by the register of the county of Macomb, a memorandum of the name of the individual insured, a description of the pro-

Payment of  
losses, by  
members,  
proportion-  
ably.

party, the amount of the deposit note, and the term for which said policy shall continue.

Suits against  
members.

Sec. 9. Suits at law may be maintained by said corporation against any of its members, for the collection of said deposit notes, or any assessments thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation, for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

Directors  
may assess  
and apportion  
loss.

Sec. 10. The directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company, for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the same assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company subject to the payment of such losses and expenses as have accrued or may thereafter occur; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand after thirty days from the expiration of the term for which insurance was made.

Assessments  
how paid, &c

Assessment  
of loss, be-  
yond amount  
of deposited  
notes.

Sec. 11. If the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive towards making good their respective losses a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; in addition thereto a sum to be assessed on all the members of said company as

the same principle as regulated the amount of their respective deposit notes, but not exceeding one dollar on every hundred dollars by them respectively insured; and no member shall ever be required to pay for any loss occasioned by fire at any one time, more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss, after his said note shall have been paid in and expended; but any member upon payment of the whole of his deposit note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 12. No policy shall be issued by said company until application shall be made for insurance for ten thousand dollars at least. Limitation of amount to be insured.

Sec. 13. The operations and business of the corporation shall be carried on and conducted at such place in the village of Mt. Clemens as shall be designated by a majority of the company present at any regular meeting. Business of Soc.

Sec. 14. This act shall continue and be in force thirty years; and the corporation hereby created shall be subject to the provisions of the fifty-fifth chapter of the revised statutes of this state so far as the same are applicable. Duration of charter.

Sec. 15. This act shall take effect from and after its passage.

Approved April 3, 1848.

# No. 210.

AN ACT to authorize the supervisors of Berrien county to construct and maintain certain bridges in that county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the board of supervisors of the county of Berrien are hereby authorized and empowered, in their discretion, to erect and keep up and maintain four bridges across the river St. Joseph within the limits of said county, one of said bridges to be at the village of Bertrand, either where the present bridge now stands, or not more than twenty feet distant therefrom; one other of said bridges to be at the village of Niles, at the foot of Main street, and a continuation thereof to the west bank of the river; one other of said bridges to be at the village of Berrien, where the bridge now

*Supervisors to build certain bridges.*

stands, or not more than ten feet distant therefrom ; and the other and fourth of said bridges to be at or near the village of St. Joseph.

May repair  
or rebuild  
bridges.

Sec. 2. The said board of supervisors may, in their discretion, repair or rebuild either of the present bridges at Bertrand, Berrien or St. Joseph aforesaid, and shall make provisions therefor, whenever said bridge, or either of them, shall need rebuilding or repairing.

Bridge at  
Niles, &c.

Sec. 3. The said board of supervisors shall, at their next meeting, in their discretion, make appropriation and provision for erecting the said bridge at Niles, and for making all necessary repairs on the other of said bridges.

Powers of  
supervisors.

Sec. 4. The said board of supervisors is authorized to build, erect and maintain in said river, all necessary and proper abutments, piers, ice breakers, ice holders, guards and braces, suitable and proper for the support, erection and protection of said bridges, doing and causing as little obstruction in said river as may be consistent with the object of said works, erections and fixtures.

To levy tax  
for expense  
of building,  
&c.

Sec. 5. The said board of supervisors shall, in order to defray the expenses of erecting, repairing and maintaining said bridges, collect by general tax, on the taxable property of said county, sufficient money therefor ; the same to be levied and collected at the time, and in the manner, as the state, county and township taxes are collected : *Provided*, That neither of said bridges shall be built at an expense to the county of over three thousand dollars.

Sec. 6. The said board of supervisors may appropriate any surplus money from the treasury to aid in erecting and repairing said bridges.

Sec. 7. This act shall take effect from and after its passage.

Approved April 3, 1848.

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### No. 211.

AN ACT making appropriations to defray certain expenses authorized for the year eighteen hundred and forty-eight.

W B Sher-  
wood.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and the same are hereby appropriated out of the general fund : to W. B. Sherwood for publishing the senatorial canvass for the sixth district in the

year eighteen hundred and forty-seven, five dollars and twenty cents ;  
 to Myron Collamer for furniture by him furnished for the use of the M Collamer.  
 supreme court at Jackson, thirty dollars and fifty cents ; to Edward E. D. Ellis.  
 D. Ellis for publishing in the American Vineyard notice of State  
 Treasurer and Secretary for proposals for printing and binding for  
 eighteen hundred and forty-eight, one dollar and sixty cents ; to An-  
 thony Kaminzky for printing the Governor's message in the Dutch, A Kaminzky  
 French and German languages, and folding and stitching the same,  
 for two reams of paper and packing messages, in all one hundred and  
 nineteen dollars and forty cents ; to Silas C. Herring for one Sala- S C Herring.  
 mander safe, one lock and one padlock furnished to the State Treas-  
 urer, two hundred and forty-eight dollars ; to Lawson S. Warner for L S Warner  
 attendance as a witness before a committee of the House in the mat-  
 ter of the contested seat from Chippewa county, and traveling ex-  
 penses, seven dollars ; to Timothy S. Smith for like attendance and T S Smith.  
 traveling expenses, twenty dollars ; to E. G. Seymour for like attend- E G Seymour.  
 ance and for traveling expenses, ten dollars ; to John N. Ingersoll for  
 like attendance, two dollars ; to John G. Dixon for serving process in J G Dixon.  
 chancery upon the relation of Henry N. Walker, late Attorney Gen-  
 eral, vs. the president, directors and company of the Bank of Macomb A Weeks.  
 County and Aaron Weeks, one dollar and thirteen cents ; to W. W. W W Law-  
 Lawrence, clerk of the supreme court, for services rendered and rence.  
 money paid in removing the records of the supreme court from Ann  
 Arbor to Jackson, twenty dollars ; to G. F. Rood & Co. for ledger fur- G. F. Rood  
 nished Auditor General, twenty-four dollars ; (also for stationery fur- & Co.  
 nished the Secretary of State in May and November, eighteen hundred  
 and forty-seven, eight dollars and thirteen cents ; ) also for stationery  
 furnished the second circuit court in chancery in February and De-  
 cember, eighteen hundred forty-seven, twenty dollars and thirty-five  
 cents ; also for stationery furnished the supreme court at Pontiac,  
 eighteen hundred and forty-seven, fifteen dollars and twenty-five cents ;  
 also for stationery furnished the enrolling and engrossing clerk of the  
 House of Representatives in eighteen hundred and forty-seven, one  
 dollar.

To A. W. Hovey, Clerk of the House of Representatives, to pay  
 for newspapers furnished to members of the House at the present ses- A W Hovey.  
 sion from other States, upon the order of said clerk, thirty-five dollars

**Publishers**  
certain news  
papers.

and sixty cents ; to the publishers of the Detroit Free Press, one hundred and thirty-six dollars ; to the publishers of the Detroit Advertiser, thirty-five dollars and thirty-six cents ; to the publisher of the Hillsdale Gazette, one dollar ; to the publisher of the Hillsdale Standard, one dollar ; to the publisher of the True Democrat, Ann Arbor, seventy-five cents ; to the publisher of the Coldwater Sentinel, one dollar and fifty cents ; to the publisher of the Washtenaw Whig, three dollars ; to the publisher of the Paw Paw Free Press, fifty-cents ; to the publisher of the Adrian Watchtower, three dollars and twenty-five cents ; to the publisher of the Oakland Gazette, one dollar and fifty cents ; to the publisher of the Monroe Advocate, three dollars ; to the publisher of the Port Huron Observer, two dollars ; to the publisher of the Pontiac Jacksonian, two dollars ; to the publisher of the Cass County Advocate, seventy-five cents ; to the publisher of the Niles Express, one dollar ; to the publisher of the Ypsilanti Sentinel four dollars ; to the publisher of the Livingston Courier, one dollar.

**A S Bagg.**

To A. S. Bagg, for stationery furnished the Clerk of the House in the year eighteen hundred and forty-seven, seven dollars and fifty cents ; also, stationery furnished in eighteen hundred and forty-seven to the Attorney General, four dollars and thirteen cents ; also, for stationery furnished the Engrossing and Enrolling Clerk of the House of Representatives in eighteen hundred and forty-seven, ten dollars and twelve cents ; also, for furnishing the court of chancery for the first circuit with stationery, in eighteen hundred and forty-seven and eighteen hundred and forty-eight to date, eighteen dollars and seven cents.

**Bagg & Harmon.**

To Messrs. Bagg & Harmon, for stationery furnished the State Treasurer in the years eighteen hundred and forty-seven and eighteen hundred and forty-eight to date, thirty-one dollars and fifty cents ; to

**Bush & Thomas.**

Messrs. Bush & Thomas, for stationery furnished the Senate and House of Representatives, and articles for repairs in the month of January, eighteen hundred and forty-eight, thirty-eight dollars and fifty-two cents ; also, for articles furnished members of the House in eighteen hundred and forty-eight, through the committee on supplies, five dollars.

**H H Smith.**

To H. H. Smith, for stationery and necessary articles for the Hall for the year eighteen hundred and forty-eight, sixteen dollars and

eighty-nine cents ; to James Turner, for stationery per committee on supplies of the House, in eighteen hundred and forty-eight, thirty-eight dollars and fifty-six cents.

To Augustine W. Hovey, Clerk of the House of Representatives, for compiling and preparing for publication, making indexes and superintending the publication of House journal and documents of the present session, two hundred dollars, to be paid on the certificate of the Secretary of State that the work has been correctly done. A W Hovey.

To Bagg & Harmon, for stationery furnished the Auditor General's office in eighteen hundred and forty-eight, to March twenty-eighth, eleven dollars and thirty-eight cents ; also, for stationery and printing for Secretary of State to March thirtieth, eighteen hundred and forty-eight, twenty-nine dollars ; also, for stationery furnished the Auditor General's office during the years eighteen hundred and forty-seven and eighteen hundred and forty-eight not included in the above amount ; two hundred and eleven dollars and sixty-two cents : to A. S. Bagg, for one Injunction Master's Register furnished to Edmund Rice, six dollars ; also, to A. S. Bagg, for binding two hundred and sixty legislative manuals and lettering the same, ninety-seven dollars and fifty cents ; to Bagg & Harmon, for stationery furnished the House of Representatives, during the session of eighteen hundred and forty-eight, three hundred and thirty-seven dollars and thirty-seven cents. Bagg & Harmon  
A S Bagg  
Bagg & Harmon

To C. C. Darling, for paste furnished for the use of the House during the session, three dollars ; to H. Gibbs, for making two tables for committee rooms, one dollar ; to C. C. Willis, for extra services as fireman for the House of Representatives the present session, ten dollars. C C Darling  
H Gibbs  
C C Willis

To Joseph Keusch and William Riggs firemen, the sum of fifty cents per day extra, for services as firemen during the time they each acted as such. J Keusch and  
W Riggs

To the members of the House of Representatives from the counties of Mackinac and Chippewa, the sum of ninety dollars each, for necessary expenses incurred before and after the session. Rep from  
Mackinac &  
Chippewa

To Henry Bloss, assistant sergeant-at-arms, three dollars per day during his term of service. H Bloss

To John Rives, assistant fireman, two dollars a day for twenty-two days ; and to the assistant clerks of the House, three dollars a day J Rives

for the time actually employed, payable on the certificate of the Speaker of the House.

**Messengers** To the messengers of the House of Representatives, fifty cents per day each, in addition to the amount already appropriated by law for that purpose.

**Bagg & Har-** To Bagg & Hannon, for printing divisions, circulars to newspapers  
**men** and certificates of pay, thirty dollars and fifty cents.

**R Robinson** That the following sums be and the same are hereby appropriated out of the general fund : to Russel Robinson for fitting state armory

**Cole & Gard-** at Detroit, twenty-five dollars and thirty-one cents ; to Cole & Gard-  
**ner** ner for printing rules for court of chancery and publishing Adjutant General's notice to township and county clerks, ten dollars and eighty cents ; to Henry N. Walker, late Attorney General, for balance of salary and postage paid, thirty-six dollars and four cents ; to G. F.

**G F Rood &** Rood & Co. for stationery furnished the Secretary and Enrolling  
**Co** Clerk of the Senate of eighteen hundred and forty-seven, twenty-one

**R W Jenny** dollars ; to R. W. Jenny for publishing Adjutant General's notice to

**P Joslin** county and township clerks, two dollars ; to Perry Joslin for publishing Adjutant General's notice to county and township clerks, two

**D S Merritt** dollars ; to Daniel S. Merritt for publishing Adjutant General's notice to county and township clerks, two dollars ; to Jewett & Graves for

**Jewett and** publishing Adjutant General's notice to township and county clerks,  
**Graves**

**J B Bennett** two dollars ; to Joel B. Bennett for publishing Adjutant General's

**T Gallagher** notice to township and county clerks, two dollars ; to Thomas Gallagher for candles furnished the Secretary of State for the use of the Capitol, seventy-seven dollars and ninety-four cents.

**To certain** To A. S. Williams for advertising for the Adjutant General's office  
**publishers** for the year eighteen hundred and forty-seven, forty dollars and ten  
**for printing,** cents ; to John Ingersoll, for publishing Adjutant General's notice to  
**&c.** township and county clerks, two dollars ; to V. Hascall for publishing

Adjutant General's notice to township and county clerks, two dollars ; to Alexander Sheldon, for publishing Adjutant General's notice to township and county clerks, two dollars ; to A. C. Van Raalte, for translating the Governor's message into the Dutch language, for the year eighteen hundred and forty-eight, twenty-five dollars ; to E. N. Lacroix, for translating the Governor's message into the French language, for the year eighteen hundred and forty-eight, twenty-five dol-



lars ; to Julius Gruber, for translating the Governor's message into the German language, for the year eighteen hundred and forty-eight, twenty-five dollars ; to W. L. Baneroft for printing the Adjutant General's notice for the year eighteen hundred and forty-seven, sixteen dollars ; to E. O. Briggs for publishing Adjutant General's notice to township and county clerks, two dollars ; to H. B. Sullman, for publishing Adjutant General's notice to township and county clerk's two dollars ; to Clark & Raulson for publishing Adjutant General's notice to township and county clerks, two dollars ; to E. R. Powell for publishing Adjutant General's notice to township and county clerks, two dollars ; to M. A. Childs, for publishing Adjutant General's notice to township and county clerks, two dollars ; to George Coombs for materials furnished and for his services in and about the capitol for the year eighteen hundred and forty-seven, two hundred and eighty-four dollars and ninety-three cents ; but no further allowance shall hereafter be made by the State for any services for taking care of the old capitol building ; to David Sanford for publishing Adjutant General's notice to township and county clerks, and printing for Michigan volunteers, four dollars.

To Edward D. Ellis for printing general orders from Adjutant General's office for the year eighteen hundred and forty-seven, thirty-eight dollars and sixty cents ; to Bagg & Harmon for stationery furnished to the Senate for the year eighteen hundred and forty-eight, sixty-five dollars and ninety-five cents ; to M. Shoemaker for cash paid for sundry articles for Senate, four dollars and eighty-two cents ; to A. S. Bagg for stationery furnished to Superintendent of Public Instruction from June 3, 1847, to January 28, 1848, one hundred and sixteen dollars and forty-two cents ; to A. S. Bagg for stationery furnished Secretary of the Senate, March 17, 1847, four dollars ; to A. S. Bagg for binding and covering school laws and reports of Superintendent of Public Instruction, and for ruling school blanks, eighty dollars and seventy-five cents ; to Bagg & Harmon for printing for Superintendent of Public Instruction, one hundred and thirty-six dollars ; to Bagg & Harmon for printing for the several circuits, by order of the judge of the supreme court, fifty-three dollars and twenty cents.

To Bagg & Harmon, for printing for Secretary of State, and publishing laws of 1847 in state paper, three hundred and seventy-six dollars and fifty cents ; to S. G. Southerland, for extra services in removing and arranging furniture and book case, and arranging book-

- C C Darling** in the library, twenty-five dollars ; to C. C. Darling, for paste furnished the Senate, two dollars ; to A. S. Bagg, for stationery, binding, &c. for Secretary of State, from February 27, 1847, to February 2, 1848, one hundred and forty-one dollars and nineteen cents ; to A. S. Bagg, for stationery furnished to the State Treasurer, forty-six dollars and forty-four cents ; to A. S. Bagg, for stationery furnished Governor
- S G Southerland** Greenly, eighteen dollars and fifty cents ; to S. G. Southerland, for articles furnished Secretary of State's office, five dollars ; to each Senator for stationery for self, five dollars ; the appropriations to each Senator to be paid by the State Treasurer out of the treasury, upon the certificate of the Secretary of the Senate for 1848 ; to T. R. Cumings, for extra services in arranging furniture in House and Senate, twenty-five dollars ; to Charles Smith, Secretary of the Senate, for papers furnished the members and officers of the Senate, forty-three dollars and twenty-five cents ; to Charles Smith, for compiling and preparing for publication, making index and superintending the publication of the Senate journal and documents of the present session, including the Executive journal, two hundred dollars ; to Peter Cary, for services about the capitol, one hundred and twelve dollars ; to T. R. Cumings, for services in bringing up records in Secretary of State's office in 1846 and 1847, one hundred dollars ; to Bush and Thomas, for stationery furnished the President of the Senate for 1848, six dollars ; to the Chaplain of the Senate, two dollars per day for each day's service, to be paid on the certificate of the Secretary of the Senate ; to G. O. Whittemore, for extra services in bringing up the records in the office, and in fitting up the two houses of the legislature, two hundred dollars ; to John Allen, A. N. Hart and Z. M. Mowry, for expenses as committee in visiting the state prison, ten dollars each.
- A S Bagg** To A. S. Bagg, for stationery furnished Adjutant General, from April 20th to December 30th, 1847, nineteen dollars and thirteen cents ;
- J Barns & co** to Jacob Barns & Co., for publishing the time of holding circuit courts by order of the judge of said court, (3d circuit,) four dollars and eighty-eight cents ; to Bela Pratt, fireman of the Senate, Henry W. Smith, Ezra H. Bailey and Smith Clapsaddle, messengers of the Senate, fifty cents extra each for every day's attendance during the sitting of the legislature, to be paid on the certificate of the Secretary of the Senate ;
- R S Cheney** to R. S. Cheney, for publishing "Daily Patriot" (during session) two

months, to members of the legislature, twenty-eight dollars and thirteen cents; to Bagg & Harmon, for stationery furnished Secretary of Senate, sixteen dollars and fifteen cents; for twenty-six copies of Daily Free Press, fifty-two dollars; for printing divisions and certificates of pay, twenty-four dollars and fifty cents; for advertising reports of judiciary committee relative to constitutional power of districting the state, seven dollars; for printing, by order of Adjutant General, one hundred and forty-three dollars and thirty cents; for stationery delivered President of the Senate, fourteen dollars and twenty-nine cents; and for stationery delivered Enrolling and Engrossing Clerk of the Senate, twenty-one dollars and fourteen cents; for stationery furnished Senate, two dollars; to the several persons employed as assistants in enrolling for the Senate, three dollars per day for time necessarily employed, to be paid on certificate of the chairman of the Senate committee on enrollment; to the Post Master at Michigan, such sum as may be due him for postage of members and officers of the Senate and House of Representatives under joint resolution approved January 14th, 1848, to be paid by the State Treasurer, on presentation of his account verified by affidavit; to Bagg & Harmon, for stationery furnished Geo. W. Jewett, sixty-three cents; to Hibbard and Knapp, eight dollars, for charges paid by them upon the transportation of state paper upon the rail road, and from Jackson to Michigan; to Robert Perry, for repairing table, one dollar; J. P. Weller and Son, for eight bunches quills, one dollar.

Bagg &amp; Harmon

P M Michig'n

Bagg &amp; Harmon

Hibbard and Knapp

R Perry

J P Weller and son.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

### No. 212.

AN ACT to lay out a certain state road from Marshall to Eaton Rapids.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Isaac E. Crary, John R. Palmer and Samuel Weeks, be and they are hereby appointed commissioners to lay out and open a state road from Marshall in the county of Calhoun, to Eaton Rapids, in the county of Eaton.*

Sec. 2. That it shall be the duty of the said commissioners appointed by this act, to cause so much of said road to be recorded in the office of each township clerk, as may be laid through his respective township: *Provided*, The state shall not be liable for damages or expenses in laying out said road.

Sec. 3. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 218.

AN ACT to authorize Sarah Mariah Parsons, Louisa W. Shafer, Sarah Wait and Charles D. Wait to convey certain lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, Sarah Mariah Parsons, Louisa W. Shafer, Sarah Wait and Charles D. Wait, be and they are hereby authorized to sell and convey by deed or deeds, village lots number three, four, five, six, seven, eight, in block number fifty, on the north-west division of Lapeer county site, together with the dwelling house thereon; and such deed shall vest in the purchaser or purchasers of the same or any part thereof, a valid, full and perfect title in the law to the lot or lots mentioned in said deed or deeds: *Provided*, The judge of probate for the county of Lapeer shall endorse his approval upon any deed or deeds which may be given under the provisions of this act: *And provided further*, That the proceeds of any such sale or sales shall be faithfully invested by the person hereby authorized to make such sale or sales in a manner to accumulate for the benefit of the children to whom such real estate was bequeathed during their minority; the manner and mode of such investment shall also be submitted to and receive the approval of said judge of probate.

Sec. 2. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 214.

AN ACT to incorporate the Lake Superior Mining Company of Eagle River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Chauncey Bush, James A. Armstrong, John H. Kenzie and Russell Bishop, and others who shall become associated with them, are hereby constituted a body corporate, by the name of the Lake Superior Mining Company of Eagle River, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan : *Provided*, That nothing in this act contained shall be construed to confer on said company any powers of banking or brokerage, exchange, dealing in money, purchasing any stock of any bank, or any stock whatever, or for any other purposes than those herein particularly specified.

Lake Super  
mining co.  
incorporated

Sec. 2. The said company shall have corporate succession, and its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the business of said company may require, to an amount not exceeding the capital stock of said company.

Capital and  
real estate.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof ; a secretary and treasurer, who may, however, at the pleasure of the company, be one and the same person : and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe.

Officers.

Assessments  
on shares

Sec. 4. The said company shall pay to the treasurer of the state of Michigan an annual tax at the rate of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company ; and for that purpose, the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid

State tax—  
annual re-  
port required

in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon the personal property of said company, and in lieu of all state taxes on the real estate of said company; and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in and returned to the State Treasurer accordingly. Said tax shall be secured and paid agreeably to the laws of this state.

Repeal, &c.

Sec. 5. The legislature may at any time alter, amend or repeal this act for any violation of the provisions of this charter.

1st meeting.

Sec. 6. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint, by a notice to be published in one or more newspapers in each of the cities of Detroit and Boston, at least thirty days before the time of such meeting.

Subject to  
general pro-  
visions of re-  
vis'd statutes.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

Lien of indi-  
viduals.

Sec. 8. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Duration of  
charter.

Sec. 9. This act shall be in force for thirty years from and after its passage, subject to repeal as aforesaid.

Approved April 3, 1848.

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No. 215.

AN ACT to incorporate the Marshall Manufacturing Company in the county of Calhoun.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles M. Lee, D. E. Lewis, H. I. Perrin, Darius Perrin, J. J. Perrin, Jarvis Hard, C. Y. Gilbert, C. T. Gorham, Oliver C. Comstock, and their successors and associ-

ates, are hereby created for the term of fifty years a body corporate, by the name of the Marshall Manufacturing Company, for the purpose of manufacturing woollens and woolen and cotton cloths, in the township of Marshall and county of Calhoun, capable of executing all the powers, entitled to all the privileges, subject to all the duties and liabilities specified in chapter fifty-five of the revised statutes.

Sec. 2. Said corporation shall have a treasurer, who shall be a resident of this state, and upon whom service of any process against said company may be made, and the same shall be deemed a valid service thereof upon the said Marshall manufacturing company in the county of Calhoun, and such other officers and agents as the members of the corporation may determine, to be appointed in such manner and for such term as the by-laws of said corporation may prescribe. The treasurer shall be sworn to the faithful discharge of his duties, as the same may be prescribed in said by-laws, in said chapter fifty-five and by this act, and shall give bond in such a sum and with such sureties as the said by-laws may prescribe for the faithful discharge of his duty.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be numbered and registered, and certificates issued by the treasurer therefor to the person entitled thereto. Twenty-five thousand dollars of said capital stock may consist of real estate, which said corporation is hereby authorized to acquire, hold and convey.

Capital and  
real estate.

Sec. 4. Said corporation may from time to time, at any regular meeting called for that purpose, assess upon each share such sums of money as the corporation shall think proper, not exceeding in the whole the nominal amount of said share, and such sums so assessed shall be paid to the treasurer at such times and by such instalments as the corporation shall direct.

Assessments  
on shares.

Sec. 5. The whole amount of debts which said corporation shall at any time owe, shall not exceed the amount of its capital stock actually paid in.

Debts of co.

Sec. 6. On or before the first Tuesday in January in each year, it shall be the duty of the treasurer of said company to make a report to the Secretary of State, verified by his oath, showing the amount of their capital stock paid in, and the amount of their entire debts and liabilities.

Annual re-  
port.

Lien of inha-  
bitants

Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company for all claims and demands, not exceeding one hundred dollars each, against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 216.

AN ACT to authorize Jemima Cole of the county of Clinton to convey certain real estate.

May sell  
lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jemima Cole, of the township of Bath, county of Clinton, widow of Ira Cole deceased, be and she is hereby authorized and empowered to convey by deed to Isaac Fletcher, of said township, the following described piece or parcel of land, viz: commencing at the south-west corner of lands owned by the said Isaac Fletcher, running thence south forty rods, thence east forty rods, thence north forty rods, thence west forty rods to the place of beginning. Said parcel being a part of the east half of the south-west quarter of section thirty-four, in said township of Bath, and containing ten acres: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of the said county of Clinton, shall, under the seal of his office, certify upon the back of the said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 217.

AN ACT to vacate a certain alley in the village of Byron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of an alley as runs be-



between blocks numbers sixty-nine and seventy in the village of Byron, <sup>Alley vacated.</sup> in Shiawassee county, be and the same is hereby vacated and annexed to the adjoining lots.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1848.

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No. 218.

AN ACT to authorize Harriet Woolcot and Isaac B. Hathaway to convey certain real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Harriet Woolcot, administratrix, and Isaac B. Hathaway, administrator on the estate of Noah Woolcot, of the county of Washtenaw, deceased, be and they are hereby authorized and empowered to convey certain village lots, lying and being in the village of Mooreville in said county, viz: lots number eight and nine in block number one north range one east, and lots number eight and nine, block two north, range one east, and lot number nine in block three north, range one east, also lots numbered four, five and six, in block one north, of range one west, according to the plat of said village of Mooreville, as recorded in the registers' office in the county of Washtenaw: *Provided*, That no such conveyance shall be of any effect unless the judge of probate of the said county of Washtenaw shall, under his hand and seal of his office, certify upon the back of said conveyance his approval of the same.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 219.

AN ACT to establish a state road from the village of Flushing, in the county of Genesee, to the village of Saginaw, in the county of Saginaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That James Seymour, Ogden Clark

State road.

and Alpheus Williams be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Flushing in the county of Genesee, thence on the most direct and eligible route, to the village of Saginaw, in the county of Saginaw.

Duty of com'rs.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township, and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded.

Highway com'rs.

Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road shall pass, to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked.

State not liable, &amp;c.

Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within three years from the passage of this act, the provisions therein contained shall be void.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 220.

AN ACT to authorize the county of Ingham to borrow a certain sum of money.

Supervisors authorized to borrow money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of supervisors of the county of Ingham be and are hereby authorized to borrow on the credit of said county, at an interest not exceeding seven per cent per annum, and for a term of time not more than ten years, a sum of money not exceeding one thousand dollars, for the purpose of finishing a jail in said county, and the said sum so borrowed shall not be applied to any other use or purpose than finishing said jail as aforesaid.

Sec. 2. Whenever said board of supervisors shall have obtained

said sum of one thousand dollars or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the county to be drawn by the said board for the purpose above specified, in the same manner as is provided for in cases of other contingent expenses of the county.

Sec. 3. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 221.

AN ACT supplemental to and amendatory of an act to provide for funding the outstanding internal improvement warrants of this State, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That section five of said law be amended by inserting in the third line thereof, after the words "state lands," the words "primary school lands."

Sec. 2. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 222.

AN ACT to incorporate the Jackson Mining Company of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William A. Ernst, John Westren, Abram N. Berry, Fairchild Farrand and Philo M. Everett, and others who shall become associated with them, are hereby constituted a body corporate by the name of the "Jackson Mining Company of Jackson," for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the state of Michigan.

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of Michigan as the

business of the company may require, to an amount not exceeding the capital stock of said company.

Officers.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, of whom the president shall be one, a secretary and treasurer, who may, at the pleasure of the company, be one and the same person ; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company may by its by-laws prescribe : *Provided*, That one of the directors of said company shall at all times be a citizen and resident of the state of Michigan, upon whom service of all process against said company may be made, and the same shall be deemed a valid service thereof upon said Jackson Mining Company of Jackson.

State tax, annual report.

Sec. 4. The said company shall pay to the Treasurer of the state of Michigan an annual tax of one per cent. on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first Monday of July in each year, and shall be assessed upon the last preceding report of said company, and for that purpose the president and secretary thereof shall, on the first day of January in each year or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has been actually paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said tax shall be in lieu of all other taxes on the personal property of said company, and in lieu of all other state taxes on the real estate of said company ; and any investment of any portion of the nett profits of said company in the business of said company shall be considered as so much capital paid in, and shall be included in the returns to the State Treasurer hereinbefore required.

1st meeting.

Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or any two of them shall appoint, by a notice to be published in one or more newspapers in the village of Jackson, at least thirty days before the time of such meeting.

Sec. 6. Any inhabitant of this state shall have a lien upon the

stock, appurtenances and entire property of said company for all claims and demands against said company to the amount of one hundred dollars or under, originally contracted within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

Lien of inhabitants of this state.

Sec. 7. Said company shall be subject to the provisions of chapter fifty-five of the revised statutes of eighteen hundred and forty-six, so far as the same may be applicable.

General provisions.

Sec. 8. The said company shall within six months after the first election of the officers thereof, by a vote of the board of directors, locate a business office of said company within the territorial limits of the state of Michigan, and file in the office of the Secretary of State a certificate specifying the place of such location, and all annual and other meetings of said company shall be held at such place as the by-laws of the company may designate and direct.

Business office.

Sec. 9. This act shall not be construed to confer on said company any banking powers or banking privileges, or for any transaction in brokerage or exchange, or dealing in money or bank notes, or in the purchase of any bank stock of any bank, or in the purchase of any public stock whatever, or for any other purposes than those particularly specified in this act.

Banking prohibited.

Sec. 10. This act shall take effect and be in force from and after its passage, and shall continue in force for the term of thirty years.

Duration of charter.

Approved April 3, 1848.

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No. 223.

# AN ACT to incorporate the Union Church of Flushing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Pond, James Hassie, Benjamin F. Warner, Simon M. Smith and John Hallock, together with such other persons as may be associated with them, and their successors for that purpose, shall be and they are constituted a body politic and corporate by the name and style of the "Union Church of Flushing," subject to the provisions relating to corporations contained in chapter fifty-five of the revised statutes of eighteen hundred and

Incorporation.

forty-six, and such amendments thereof as may from time to time be made by the legislature.

Powers of trustees, &c.

Sec. 2. The trustees shall have power, and they are hereby authorized to build a church or house for religious worship in the village of Flushing in the county of Genesee, and shall faithfully apply all funds received by them for that purpose by subscription, bequest or otherwise, in providing suitable buildings, employing preachers and teachers necessary or proper for the successful instruction of the citizens in the fundamental doctrines and truths of religion.

Ibid.

Sec. 3. Said board of trustees shall be in law capable of acquiring and holding by purchase, gift, grant, devise or bequest, or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, in value not exceeding the sum of ten thousand dollars, for the use of said corporation and no other, and shall continue for ten years from the passage of this act, and shall be held liable for all debts as partners in trade, after the corporate property shall have been exhausted.

Sec. 4. This act shall take effect from and after its passage.

Approved April 3, 1848.

#### No. 224.

AN ACT to provide for laying out a state road from Michigan to Mason.

Com'r to lay out road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Hiram Bristol, John S. Griffin and George D. Pease be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the Cedar bridge, on the south line of the town of Michigan in the county of Ingham, on the most eligible route to the village of Mason.

Com'r to file survey, &c.

Sec. 2. The above named commissioners shall file so much of the survey of the above mentioned road in the office of the township clerk of each township through which the said road shall pass as shall be laid out in such township, and it shall be the duty of the several township clerks to record the same in their respective township books, and post the notice required by law.

Sec. 3. That it shall be the duty of the commissioners of highways

in the several townships through which said road may pass, to open and work said road in the same manner and by virtue of the same law as township roads are required to be opened and worked. Duty of highway com'rs.

Sec. 4. The state shall not be liable for any expense incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void. State not liable for damages.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 225.

AN ACT to incorporate the Mackinaw and Lake Superior Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Ramsay Crooks, Samuel Abbott, Michael Dousman, Samuel K. Haring, and others who shall become associated with them, are hereby constituted a body corporate by the name of the Mackinaw and Lake Superior Mining Company, for the purpose of mining, smelting and manufacturing ores, minerals and metals in the upper peninsula of the State of Michigan. Incorporat'n

Sec. 2. The said company shall have corporate succession; its capital stock shall be three hundred thousand dollars, divided into shares of one hundred dollars each, and said company may acquire and hold such real and personal estate in the upper peninsula of the State of Michigan, as the business of said company may require, to an amount not exceeding the capital stock of said company. Capital, &c.

Sec. 3. The officers of said company shall consist of a president, a board of five directors, including the president, who shall be one thereof; a secretary, and treasurer, who may, however, at the pleasure of the company, be one and the same person; and the said company may levy assessments on the shares of its stock, and forfeit and sell the same for non-payment of any such assessment, in such manner as said company by its by-laws may prescribe. Officers.

Sec. 4. The said company shall pay to the Treasurer of the State

**State tax.** of Michigan an annual tax at the rate of one per cent on the whole amount of capital actually paid in upon the capital stock of said company, and also upon all sums of money borrowed by said company, which tax shall be paid on the first day of July in each year, and shall be estimated upon the last preceding report of said company; and for that purpose the president and secretary of said company shall, on the first day of January in each year, or within fifteen days previous thereto, make under their hands a return to the State Treasurer, verified by their several oaths, stating the amount which has actually been paid in on the capital stock of said company, and also the whole amount of money which at any time has been borrowed by said company, and said state tax shall be in lieu of all other taxes upon all the personal property of said company, and in lieu of all other state taxes upon the real estate of such company, and any investment of any portion of the nett profits of said company in the business of said company, shall be considered as so much capital paid in, and returned to the State Treasurer accordingly.

**1st meeting of company.** Sec. 5. The first meeting of said company shall be held at such time and place as the persons named in the first section or a majority of them shall appoint by a notice to be published in one or more newspapers in each of the cities of Detroit and Boston at least thirty days before the time of such meeting.

**Gen'l provisions.** Sec. 6. Said company shall be subject to the provisions of chapter fifty-five, title ten of the revised statutes of A. D. eighteen hundred and forty-six, so far as the same are applicable.

**Lien of inhabitants.** Sec. 7. Any inhabitant of this state shall have a lien upon the stock, appurtenances and entire property of said company, for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this State, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against said company.

**Duration of charter.** Sec. 8. This act shall be in force for thirty years from and after its passage: *Provided*, That nothing herein contained shall be so construed as to enable such company to exercise any banking powers or banking privileges, or to engage in any brokerage business.

Approved April 3, 1848.



## No. 226.

AN ACT to repeal a part of an act entitled an act to provide for establishing and improving the Pontiac and Grand River Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of an act entitled an act to provide for establishing and improving the Pontiac and Grand River Road, approved March ninth, eighteen hundred and forty-four, and the several acts amendatory thereto, as authorizes and directs the non-resident highway taxes assessed upon lands lying on the line of said road for the distance of two miles each way from the centre thereof, in the township of Eagle, and the west half of the township of Watertown in the county of Clinton, and the east half of the township of Danby, in the county of Ionia, be and the same are hereby repealed. Act amended

Sec. 2. Any non-resident highway tax or moneys which have been or may hereafter be received by the county treasurers of the counties mentioned in the first section of this act, by virtue of an act entitled an act to provide for establishing and improving the Pontiac and Grand River road, and the several acts amendatory thereto, shall be paid over to the highway commissioners of the several townships of Watertown, Eagle and Danby, to be expended by them according to law : *Provided*, Nothing herein contained shall be construed to interfere with the performance or payment of any contract heretofore made in pursuance of the provisions of said act, or with the collection of a sufficient amount of taxes, and their proper application to the payment of any and all contracts already entered into by authority of law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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 No. 227.

AN ACT to vacate certain streets in the village of Union City.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Front street, and so much of Summit street as lies north of Charlotte street, in Hammond's addition to the village of Union City in the county of Branch, be and the same are hereby vacated.

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 228.

AN ACT to organize the county of Sanilac.

Counties at-  
tached.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of St. Clair, comprised in townships number nine and ten north, of ranges numbers thirteen, fourteen, fifteen, sixteen, and seventeen east, be and the same is hereby annexed to and made a part of the county of Sanilac.

Sanilac or-  
ganized.

Sec. 2. That the county of Sanilac, including the territory annexed thereto in the preceding section of this act, shall become duly organized, and the inhabitants thereof entitled to all the rights, privileges, and immunities, to which by law the inhabitants of other counties of this state are entitled, from and after the thirty-first day of December, one thousand eight hundred and forty-nine.

Election.

Sec. 3. There shall be elected in the said county of Sanilac, on the first Tuesday of November in the year eighteen hundred and forty-nine, all the several county officers to which by law the said county is entitled, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and state officers.

Suits pend-  
ing.

Sec. 4. All suits, prosecutions, and other matters now pending, or which shall be pending on the thirty-first day of December eighteen hundred and forty-nine, before any court or before and justice of the peace of the county to which the said county of Sanilac is attached for judicial purposes, shall be prosecuted to final judgment and execution, and all taxes heretofore levied, or which shall be levied in accordance with law, previous to the thirty-first day of December eighteen hundred and forty-nine, shall be collected in the same manner as though this act had not passed.

Bo'rd of can-  
vassers.

Sec. 5. The board of canvassers in said county, under this act, shall consist of two of the presiding inspectors of elections from each township therein, and said inspectors shall meet at the county seat at

the time appointed by law for the county canvass, and immediately after the election authorized in the third section of this act, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county and state officers.

Sec. 6. That the county seat of the said county of Sanilac shall be and is hereby fixed at the village of Lexington in said county, until the year eighteen hundred and fifty-three, and it shall be the duty of the sheriff of the said county of Sanilac, at the expense of said county, under the direction of the supervisors thereof, to provide a suitable place for holding courts in said county at or near the county seat, until public buildings shall be erected for that purpose.

Approved April 8, 1848.

No. 229.

AN ACT to organize four counties in the upper peninsula and define the boundaries of the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the state embraced between ranges twenty-three and twenty-four west, the north boundary of township forty-one, the line between ranges thirty-seven and thirty-eight west, and the north boundary of township forty-nine, shall be laid off as a separate county, and known and designated as the county of Marquette,

County of  
Marquette  
organized.

Sec. 2. All that portion of the state embraced between the north boundary of township forty-nine, the line between ranges thirty-seven and thirty-eight west, and lake Superior, together with the islands in said lake west of the county of Schoolcraft, shall be laid off as a separate county, and be known and designated as the county of Houghton.

Sec. 3. All that portion of the state embraced within the line between ranges thirty-seven and thirty-eight west, the north boundary of township forty-one, the Montreal river and Lake Superior, shall be laid off as a separate county and known and designated as the county of Ontonagon.

Ontonagon.

**Schoolcraft.** Sec. 4. All that portion of the state embraced within the limits hereinafter specified shall be laid off as a separate county, to be known and designated as the county of Schoolcraft, to wit: Beginning at a point in Lake Superior north of the line between ranges twelve and thirteen west, thence west along the margin of said lake to the line between ranges twenty-three and twenty-four west, thence south along said line to the north boundary of township forty-one, thence east to the line between ranges twelve and thirteen west, together with Grand Island on Lake Superior.

**Counties to be a judicial district.** Sec. 5. The counties of Marquette, Houghton, Schoolcraft and Ontonagon, be and they are hereby united and set off into a judicial district, and that the inhabitants thereof shall have all the rights and privileges to which the inhabitants of other organized counties of this state are entitled.

**Distr't judge, his jurisdiction.** Sec. 6. The judicial powers in said district shall be held and exercised until otherwise provided, by a district judge, to be elected at the time of holding the first special election as aforesaid, for the term of time specified in the revised laws of eighteen hundred and forty-six, for county judges, and who in addition to the powers conferred by said laws upon county courts, shall have and exercise the full powers and jurisdiction of a circuit court in the several organized counties in this state, as well in criminal proceedings as in civil cases and in equity; the rules and practice of said district court in criminal proceedings and in civil cases, when the amount in controversy exceeds five hundred dollars, being made to conform as near as may be to the rules and practice of a circuit court: *Provided*, That in all cases, any party conceiving himself aggrieved by any final judgment of said court, shall have the right to appeal therefrom to the circuit court for the county of Chippewa, in the manner now provided for taking an appeal in other courts of record in the state.

**Appeals.** Sec. 7. Said district judge shall appoint and hold at least two terms of said court in each year, and such additional terms as he shall think necessary; examination and commitment for trial of persons charged with any offence against the laws of this state. The said judge shall have power to issue process by warrant upon complaint on oath, and investigate any alledged offence either in term or vacation, by summary proceedings, in the manner now provided by law, for the arrest and examination of offenders by a justice of the peace.

**Terms of court.**

Sec. 8. On the first Tuesday of July next, an election for county <sup>1st election</sup> officers within said judicial district shall be held at Copper Harbor, Eagle River and L'Ance, and at such election, the qualified electors then present shall proceed to choose, viva voce, at each place, three inspectors of election, who shall be qualified and perform the duties enjoined upon such inspectors by the laws of this state, in all respects and in the same manner as at the general election. The ordinary county officers, including district judge, shall be chosen at that time, and upon taking the official oath and filing the requisite bond, when such bond is required by law, the officers thus elected may enter upon the full discharge of their duties, any law to the contrary notwithstanding, and shall hold their offices respectively until the first day of January, one thousand eight hundred and fifty, and until their successors shall be duly elected and qualified.

Sec. 9. The Governor may appoint so many notaries public for said district as he may deem necessary for the current year.

Sec. 10. The counties of Marquette, Schoolcraft and Ontonagon are <sup>Co's attached to Houghton</sup> hereby attached to the county of Houghton for judicial purposes pursuant to this act.

Sec. 11. For the purpose of representation in the state legislature, <sup>To Chippewa</sup> the counties embraced in the provisions of this act are to be regarded <sup>wa.</sup> as attached to the county of Chippewa until otherwise provided by law.

Sec. 12. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 8, 1848.

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No. 230.

AN ACT to provide for the payment of the bonds of this state.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That all existing provisions of law in regard to the payment of interest on the full paid five million loan bonds, or bonds issued for the payment of interest on the same shall*

be and are hereby made applicable to all such bonds as shall be issued on the surrender of any of the part paid five million loan bonds of the state, under an act entitled "an act to provide for funding the outstanding internal improvement warrants of this state, and the interest due thereon, and also for liquidating and funding the amount of principal and interest actually due upon the part paid five million loan bonds," approved April 1, 1848.

Approved April 3, 1848.

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No. 231.

AN ACT granting to school districts and religious denominations of professing christians suitable grounds in the town of Michigan, owned by the state, whereon to erect houses for public worship and school houses.

Grant of lots  
for erection  
of churches  
and schools.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and is hereby granted unto all the religious denominations of professing christians in the town of Michigan, and each school district regularly organized in said town, suitable grounds in town of Michigan, owned by the state, whereon the said denominations may severally erect proper and commodious houses for public worship, or whereon school houses may be erected as provided herein: *Provided*, Application for said grounds shall be made as hereinafter directed, within one year from the passage of this act.

Application  
for same, &c

Sec. 2. That whenever any application for such grounds for the purposes aforesaid, shall be made in writing to the Auditor General, Secretary of State and State Treasurer, by the proper officers of any such religious denominations of professing christians, or of said school district, it shall be the duty of the said Auditor General, Secretary of State and State Treasurer, a majority of whom shall be authorized to act in the premises, to receive said application, and as soon thereafter as may be, to select one lot in the town of Michigan, owned by the state, and notify said officers of such selection, and if the same be accepted, to make and execute a deed thereof, in behalf of the state of Michigan, to the officers of any such denomination or school district, capable of receiving deeds and conveyances of land for the purposes contemplated in this act.

Sec. 3. The Secretary of the State is hereby directed, whenever any lot or lots shall be selected as above prescribed, to notify in writing, the Commissioner of the Land Office of such selection, particularly describing the lot or lots selected, and upon receiving said notice the Commissioner of the Land Office shall withhold said lot or lots from sale until he shall receive notice from the Secretary of State, whose duty it shall be to give the same, that such lot or lots have not been accepted.

Sec. 4. The Governor, Secretary of State and Auditor General may, in their discretion select one or more blocks of the said town plat any where on the school section, for a burial ground, and upon filing a proper description of the block or blocks selected in the office of the Secretary of State, said block or blocks so selected shall be appropriated for that purpose.

Sec. 5. This act shall be in force from and after its passage.

Approved April 3, 1848.

No. 232.

AN ACT relative to circuit courts and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if in any civil suit or criminal prosecution in any circuit court of this state, any question of law shall arise which, in the opinion of the presiding judge, shall be so important or doubtful as to make it advisable to require the opinion of the supreme court thereon, he shall report the case, so far as may be necessary to present such question of law, and transmit the same with all convenient speed to the clerk of the supreme court in the judicial circuit where the same originated; and when received by said clerk he shall file the same in his office and keep the same until the next session thereof, when he shall present the same to the chief justice or one of the associate justices of the supreme court; and the same shall be heard and determined by said supreme court to be held in the circuit within which said suit is pending, and the opinion of the supreme court thereon shall be certified, with such instructions as to said supreme court may be necessary, to the said court; and all proceedings on the judgment below shall be stayed until the decision of the su-

Com'r off'nd  
to be notifi'd

Burial  
ground.

Case may be  
reserved for  
sup. court.

preme court shall be made and certified back to said circuit court, in which the cause originated.

*Supersedeas may be granted in vacation.*

Sec. 2. Either of the judges of the supreme court may grant writs of supersedeas and prohibition in vacation, on good cause shown; the party obtaining such writ giving such security by bonds or recognizance to the opposite party as the judge, according to the usage of law shall require.

*When bills of exception may be tendered, &c.*

Sec. 3. That in all cases where a motion for a new trial or in arrest of judgment has heretofore been duly made in any of the circuit courts in this state, and the term at which such motion was made has passed, without giving the parties an opportunity to be heard thereon, or where the court have not given their opinion on such motion, before the next succeeding term the said parties may in all such cases perfect and tender their bills of exceptions, and have the same signed by the court at any time within thirty days after the decision of the court upon such motion; and the said bill of exceptions shall constitute a part of the record in such case in the same manner as if it had been tendered and allowed before the ending of the term at which such motion was made, or such case may be reserved by the presiding judge in manner provided for in this act, and be heard before the supreme court in conformity to this statute, and it shall be the duty of the presiding judge, or in case he cannot for any cause act, of any other judge of the supreme court, in all such cases to allow, sign and seal such bills of exception in like manner as if they had been presented and agreed on before the end of the term at which such motion was made, any law to the contrary notwithstanding.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 8, 1848.

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No. 233.

AN ACT relative to the Insurance on Lives for the benefit of Married Women.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That it shall be lawful for any mar-*



ried woman, by herself, and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured for her sole use, the life of her husband or the life of any other person, in any life insurance company of any nature whatever, located in either of the states of the United States of America or in Great Britain, for any definite period, or for the term of his natural life; and in case of her surviving her husband or such other person insured in her behalf, the sum or nett amount of the policy of insurance due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of such other person insured, or of any of his creditors, but such exemption shall not apply where the amount of premium annually paid shall exceed the sum of three hundred dollars.

Married woman may insure life of husband, &c.

Sec. 2. In case of the death of the wife before the decease of her husband, or of such other person insured, the amount of the insurance may be made payable after her death to her children, for their use and to their guardian if under age, or the amount of the policy may be disposed of by such married woman by a last will and testament.

When insurance may be payable to her children.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

#### No. 234.

AN ACT to incorporate the Oakland and Ottawa Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gurdon Williams, Edward A. Brush, H. C. Thurber, Alfred Williams, Bowman W. Dennis, John Hamilton, C. P. Bush, W. A. Richmond and Charles Shepherd, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Oakland and Ottawa Railroad Company hereby incorporated, and they may cause books to be opened at such times and places as they shall direct, for the purpose of securing subscriptions to the capital stock of said company, first giving thirty days' notice of the times and places of taking such subscription, in some newspaper printed in the city of Detroit and in the villages of Flint, Pontiac and Grand Rapids: *Pro-*

Comrs appointed.

*vided*, One dollar shall be paid on each share of said stock at the time of subscribing the same.

Capital.

Incorporat'd

Sec. 2. The capital stock of said company shall be two millions five hundred thousand dollars, in twenty-five thousand shares of one hundred dollars each; and so soon as two thousand five hundred shares of said stock shall be subscribed, the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic by the name and style of the Oakland and Ottawa Rail Road Company, with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned and no further, and in their corporate name may sue and be sued, may have a common seal which they may alter and renew at pleasure, and shall have, enjoy, and may exercise all the powers, rights and privileges which appertain to corporate bodies for the purposes mentioned in this act.

Route and description of road.

Sec. 3. Said company hereby created shall have power to construct a rail road with a double or single track from the village of Pontiac, in the county of Oakland, to Lake Michigan, in the county of Ottawa, in the state of Michigan, passing it through the most desirable and eligible route, by the way of Fentonville, with power to take, transport and carry property and persons upon the said rail road, or any part thereof herein authorized to be constructed, by the power and force of steam or of animals, or of any mechanical or other power, or of any combination of them which the said company may choose to apply.

When road to be commenced.

Sec. 4. If said corporation shall not within five years after the passage of this act, commence the construction of the said rail road, and shall not within fifteen years from the passage of this act, construct, finish and put in operation the whole of said rail road, then the rights, privileges and powers of the said corporation shall be null and void, so far as it regards such part of said rail road as shall not be finished within the periods limited by this act.

1st meeting of subscribers.

Sec. 5. Whenever twenty five hundred shares of the capital stock shall have been subscribed, if within two years from the passage of this act, the commissioners shall call a meeting of the subscribers, at such time

and place as they may appoint, by giving thirty days' public notice of such meeting, and shall lay the books of subscription before the subscribers then present, and thereupon the said stockholders or a majority of them shall elect seven directors by ballot, a majority of whom shall be competent to manage the affairs of said company, and all of whom shall be stockholders in said company; and said directors are empowered to elect one of their number president; and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person or by proxy.

Sec. 6. To continue the succession of president and directors of said company, seven directors shall be chosen annually on the first Monday in September, at such place as may be appointed by the directors; and if any vacancy shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company or a majority of them. The president and directors of said company shall hold their office until a new election of president and directors. All elections which are by this act or by the by-laws of the company to be made on any particular day, may be made at any time within sixty days thereafter, notice of such meeting being given as prescribed in the preceding section.

Directors to  
be chosen  
annually.

Sec. 7. A general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors or by the stockholders owning not less than one fourth of the whole stock subscribed, by giving thirty days public notice of the time and place of meeting; and when any such meeting is called by the stockholders, the particular object of such call shall be stated; and if, at any meeting thus called, stockholders owning a majority of stock subscribed are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if, within said three days, stockholders having a majority of such stock do not attend such meeting in person or by proxy, then the said meeting shall be dissolved.

General  
meeting.

Sec. 8. At each annual meeting of the stockholders of said compa-

Annual statement of officers.

ny, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company ; and at any meeting of the stockholders, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required ; and at general meetings of the stockholders, those holding a majority of the stock subscribed, may remove from office any president or any of the directors of said company, and elect others in their stead: *Provided*, Notice of such intended removal has been given as hereinbefore provided.

Powers of directors.

Sec. 9. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure ; and the said president and directors, or a majority of them, shall have power to determine the manner and evidence of the transfers of the stock in said company ; and they shall have power to pass all the by-laws which may be necessary for carrying into execution all the powers vested in the company hereby incorporated : *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States, nor of this State : *And provided further*, That nothing in this act contained shall extend or be construed to authorize the said company to carry on the business of banking, brokerage, dealing in produce or any other business except what properly belongs to a rail road and transportation company, as hereinafter provided. But the said company shall have power and authority to build, own, hire and use, in the navigation of the lakes and the rivers and waters connecting the same, one or more boats or vessels, for the purpose of transporting persons and property to and from the ports upon said waters, and to receive such remuneration therefor as may seem just and proper, and to exercise all the power in relation to the management of such boats or vessels as an individual might lawfully do.

Co. may appropriate & use lands, &c.

Sec. 10. For the purpose of constructing said rail road or way, said company shall have authority and power to lay out, designate and establish their road in width not exceeding one hundred feet through the entire line thereof, and may take, have and appropriate to

their use all such lands so designated for the line or construction of said road ; and for the purpose of cuttings and embankments, and for the obtaining of stone, sand and gravel, may take and appropriate as much more of land as may be necessary for the proper construction and security of said road, and for constructing shops, depots and other proper, suitable and convenient fixtures, in connection with, and as appurtenances to said rail road, may take, have, use and occupy any lands on either side of said rail road not exceeding two hundred feet in width from said rail road, the said company taking all such lands as gifts, or purchasing or making satisfaction for same in manner hereinafter provided.

Sec. 11. The said company, and under their direction their agents, servants and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the state, or to any person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts as they shall think necessary and proper for making said rail road, with one or more sets of tracks or rails, and for all the purposes connected with said rail road, for which the said company, by the last preceding section is authorized to take, have or appropriate any lands, and to fell and cut down all timber and other trees, standing or being within one hundred feet on each side of said line of rail road ; the damages occasioned by felling of trees, unless otherwise settled, to be assessed and paid in manner hereinafter provided for assessing and paying damages for land taken for the use of said company ; and also to make, build, erect and set up in and upon the route of said rail road, or upon the land adjoining or near the same, all such works, ways, roads and conveniences, as may be requisite and convenient for the purposes of said rail road ; and also from time to time to alter, repair, amend widen or enlarge the same, or any of the conveniences above mentioned, as well for the carrying or conveying goods, commodities, timber or other things to and upon said rail road, as for carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or connected with said rail road, and to contract or agree with the owner or owners thereof, for earth, timber, gravel, stone or other materials, or any articles whatsoever, which may

May enter  
upon lands  
of others.

be wanted in the construction or repair of said road or any of its works or appurtenances; and also to make, repair, maintain and alter any fences or passages under or through the said rail road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches or other works in, upon and across any rivers or brooks, for making, using or maintaining the said rail road and side paths, and also to construct, make and do all other matters and things which may be necessary and convenient for making effecting and preserving, improving completing and using the said rail road, in pursuance of and within the true intent and meaning of this act, they, the said company, doing as little damage as possible in the execution of the several powers to them hereby granted, and first making satisfaction in manner hereinafter mentioned, for all damages to be sustained by the owners or occupiers of said lands, tenements and hereditaments, before appropriating the same to the construction of said road.

May receive  
grants of  
lands, &c.

Sec. 12. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate for the purposes of said rail road, as may or shall be made to said company, to aid in the construction, maintenance and accommodation of said rail road, and said company may contract and agree with the owners or occupiers of any lands upon which the said company may wish to construct the said rail road or way, or which said company may wish to use or occupy for the purpose of excavation, or of procuring stone, sand, earth or other materials, to be used in embankments or otherwise, in or about the construction, repair or enjoyment of said rail road, or which the company may wish to use or occupy in any manner, or for any purpose or purposes connected with said rail road, for which the said company is authorized or empowered by this act to take, have or appropriate any lands, and to receive and take grants and conveyances of any or all such lands, and of any or all interests or estates therein, to them and their assigns, in fee or otherwise; and in case said company cannot agree with the owners or occupiers of such lands as aforesaid, so as to procure the same by the voluntary deed or act of such owner or occupier thereof; or if the owners or occupiers, or either or any of them, be a femme covert, under age, non compos mentis, unknown or out of the county in which the land or property wanted may lie or be situate, application may be made to

Assessment  
of damages.

the circuit court commissioner, county judge or judge of probate of such county in which the lands are situate, or a judge of the supreme court, for an assessment and inquisition as hereinafter provided.

Sec. 13. Previous notice of such application shall be given to the owner or occupier of the land to be taken, either by personal service of such notice three days before making such application, or by a public advertisement for three weeks previous to such application, in some newspaper published in the same county, if there be one, and if there be none so printed in the same county, then such notice to be published in a newspaper printed in an adjoining county, if there be any newspaper printed in an adjoining county, and if there be no paper so printed in an adjoining county, such notice to be published in the state paper if there be one, and if there be none, then in some newspaper printed in the city of Detroit; such notice shall describe the land proposed to be taken by the company, or touching which damages are to be assessed, by the section and quarter section, or if in a city or village, by the section, block and number of lot, or by some other suitable and proper description; and any irregularity or defect touching such notice shall be taken advantage of in showing cause against the confirmation of the assessment or inquisition of damages had or found, and not otherwise; evidence of the publication of such notice may be perpetuated by an affidavit duly made by the printer or publisher of the newspaper in which such notice was published, or some disinterested person knowing the fact; such affidavit, when made within three months after the last publication of such notice, shall be prima facie evidence of the facts therein set forth.

Sec. 14. The commissioner or judge to whom such application shall be made, shall thereupon proceed to the office of the clerk of said county, and direct him to draw twelve names from the petit jury box of the county, and the clerk shall thereupon draw twelve names from such box accordingly, and the said judge or circuit court commissioner to whom such application was made, shall thereupon issue his warrant, under his hand and seal, inserting therein the twelve names so drawn by the clerk, and the twelve names so drawn from the petit jury box shall be thereupon deposited again by the clerk in said box, and the warrant so issued as aforesaid shall be directed to the sheriff of said county, or if the sheriff be interested,

Notice of assessment.

Jury of inquest of damages.

Inquisition.

then to one of the coroners of said county, or in case the sheriff or coroners be jointly or severally interested, to some constable of said county, requiring him to summon the twelve persons whose names are inserted in such warrant, as jurors, to meet on or near the land or property, or materials to be valued, or touching which damages are to be assessed, on a day named in said warrant, not less than five nor more than ten days after the issuing of the same, and if, at the same time and place, any of the persons summoned do not attend, the said sheriff or coroner shall immediately summon as many as may be necessary, with the persons in attendance as jurors, to furnish a panel of twelve jurors, and from whom each party, or his, her or their agent or attorney, or if either be not present in person or by agent, the sheriff or coroner for him, her or them, may strike off three jurors, and the remaining six shall sit as a jury of inquest of damages, and before they act as such, the sheriff or coroner shall administer to each of them an oath or affirmation, that they will justly and impartially value the damages which the owners or occupiers have sustained or will sustain, by the use or occupation of the land, or the taking of the materials or other property required by the said company, and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and two originals of such inquisition shall be made and executed on the same day, one of which shall be delivered to said company, and the other to the party claiming compensation; and the property taken, and the boundaries of the land to be taken or occupied by the said company, touching which the inquisition is made, and a map thereof shall be set forth in such inquisition; and such inquisition shall be filed in, and shall also be confirmed by the circuit court of said county, at its next session, upon motion for that purpose made, if no sufficient cause to the contrary be shown, and when confirmed, the same shall be recorded by the clerk of such court, at the expense of said company; but if not confirmed, another inquisition may be taken in the manner above specified.

Effect of payment or tender of damages.

Sec. 15. And the money assessed as the valuation in any such inquisition, which shall have been confirmed, being paid or legally tendered to the party entitled to the same, the property so taken and valued shall immediately thereupon vest in such company as fully as if the same had been transferred by lawful deed by the owner or occu-



pier thereof for such term of time as the same may be required for the purposes authorized by this act; and in case the party entitled to receive such money shall not appear before the jury which makes the inquisition, and make claim to such land, or shall not appear to demand or accept the money assessed as the valuation in any such inquisition, then a deposit with the Treasurer of this State of the amount of money assessed as the valuation or damages by any such inquisition, together with a certified copy of the inquisition, shall be considered equivalent to payment or a tender thereof to the person entitled to the same; and the State Treasurer shall receive and keep account of all moneys so received into the treasury, and shall pay them to the parties entitled thereto, on the order of the chancellor or of a justice of the supreme court; and such inquisition, when confirmed, shall have the effect of a judgment, and execution may be ordered to issue thereon against said company in favor of the person to whom damages were awarded by such inquisition and confirmation thereof, at the expiration of sixty days from the time of such confirmation, unless prior thereto said company shall have satisfied the damages found or assessed by such inquisition, in manner aforesaid; and if at any time it shall by any means happen that said company shall be in possession or occupancy of any land, the title to which, or the full right of use and occupancy whereof, for the purposes of said company in manner aforesaid, shall not have been duly relinquished to or vested in said company, then, in any and all such cases said company may acquire such title or rights of use and occupation by voluntary grant thereof, or by inquisition thereupon and therefor, to be made and found, and the payment of the value or damages found or assessed in manner and form above prescribed; and the commissioner or judge issuing the warrant, and the sheriff, coroner, or constable, and jurors to be summoned under this act, shall be entitled for the services rendered by them to such compensation as may be fixed therefor by the chancellor or a justice of the supreme court, by an order for that purpose to be made by him, and which costs shall be paid by said company.

Sec. 16. Whenever in the construction of said rail road it shall be necessary to cross or intersect any established road, it shall be the duty of said company so to construct said rail road across such established road, as not unnecessarily to impede the passage of persons or pro-

Regulation,  
when co.  
may inter-  
sect roads.

perty along the same ; and when it shall be necessary to construct it through the lands of any individual, it shall be their duty to provide for such individual proper wagon ways, and keep the same in repair across said rail road, from one part of his land to another.

*Penalties.*

Sec. 17. If said company shall neglect to provide proper wagon ways across said rail road, and keep the same in repair as required by the preceding section of this act, it shall be lawful for any individual to sue said company, and to recover such damages as a court or jury may think him, her or them entitled to for such neglect or refusal on the part of said company. When it shall be necessary for the convenience of the public or persons receiving or sending property by said rail road, the said company shall permit side tracks to intersect their main road at any depot on or along the line of said road ; and that such persons shall be entitled to have any property taken from such side tracks, under the direction and regulations of said company without unreasonable delay.

*Connection with crossing rail road, canal, &c.*

Sec. 18. If it shall be necessary for the said rail road company, in the selection of the route or the construction of the said rail road, to be by them laid out and constructed, or any part of it, to connect the same with or to cross any rail road, canal, dam or bridge made or erected by any incorporated company, or authorized by any law of this state, it shall be lawful for the said company to contract with such other corporation for the right to cross or use such road, canal, dam or bridge, or for the transfer of such of the corporate or other rights and privileges of such corporation to the said company hereby incorporated, as may be necessary in that respect ; and every such other corporation acting under the laws of this state, is hereby authorized to make such contract or transfer by and through the agency of the persons authorized by the respective acts of incorporation, to exercise their corporate power or any of the rights and privileges aforesaid ; and every contract or transfer made in pursuance of the power and authority hereby granted, when executed by the respective parties under their several corporate seals, shall vest in the company hereby incorporated, all such rights and privileges, and the rights to use and enjoy the same as fully as they are used and enjoyed by the said corporation in whom they are now vested.

Sec. 19. The said company shall have power to purchase with the

funds of said company, or to contract for and place on any rail road constructed by them under this act, all machines, wagons, carriages or vehicles of any description which they may deem necessary and proper for the purposes of transportation on said rail road, and they shall have power to charge for tolls and transportation, such sums as shall be lawfully established by the by-laws of said company; and it shall not be lawful for any other company or any other person or persons to transmit any passenger or merchandize or property of any description whatever upon said rail road or any part of it without the license or permission of said company; and the said rail road, with all its improvements, works and profits, and all machinery used on said rail road for transportation, and all the machine shops, depots, buildings and edifices connected with said rail road shall be vested in the said company forever, and the shares of the capital stock of said company shall be considered personal property, and shall be transferable on the books of said company, agreeably to the by-laws of said company, and subject to be taken in execution, agreeably to such laws as are or may be hereafter in force.

Sec. 20. The said company shall have full power and authority to ask for, demand, recover and take the tolls or dues to and for their own proper use and benefit, on all goods, merchandize and passengers using or occupying the said rail road, or any other convenience, erection or improvement built, occupied or owned by the said company, to be used therewith; and they shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage and storage, and shall have full power to erect and maintain such toll houses and other buildings, for the accommodation and proper transaction of their business as to them may seem necessary. Said company may charge and collect a reasonable sum for storage on property transported by them on said road, on delivery thereof at any of their depots, which property shall have remained so stored more than five days after notice to owner or consignee, if known, at his usual place of business or residence, or after notice by mail sent to owner, if consignee not known; and said company shall transport merchandize and property and passengers upon said road, without partiality or favor, and with

all practicable dispatch, under a penalty for each violation of this provision, of one hundred dollars, to be recovered by the party aggrieved, in an action of debt against said company. But soldiers, sailors and marines, and officers of the army and navy of this State, or in the service of the United States, and arms, ordnance, military stores and munitions of war, shall take precedence of other persons or property, first in favor of this State, second of the United States.

May cross  
streams.

Sec. 21. Whenever it shall be necessary for the construction of their rail road, to intersect or cross any stream of water or water course or road or highway, lying on the route of said rail road, it shall and may be lawful for the company to construct their rail road across or upon the same: *Provided*, That the company shall restore the stream or water course, road or highway thus intersected or crossed, to its former state, or in a sufficient manner not unnecessarily to impair its usefulness.

Dividends.

Sec. 22. The said company may annually or semi-annually make such dividend as they may deem proper, of the nett profits, receipts or income of the said company, deducting the necessary expenses, and they shall make a dividend among the stockholders of the said company in proper proportions to their respective shares.

Assessments  
on shares of  
stock.

Sec. 23. It shall be lawful for the directors to require payment of the sums subscribed to the capital stock of said company at such times and in such proportions, and on such conditions as they shall deem proper and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of the corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay an assessment on his share or shares for the space of thirty days after the time in such notice specified for the payment thereof, as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser on the books of the company, by the president thereof: and such delinquent subscriber or stockholder shall be held accountable to the company for the residue of the assessments, not satisfied by the proceeds of such sale of his share or shares, if sold for less than the assessments due thereon, with the interests and costs of

sale, and such costs and interests to be first paid from the proceeds of such sale, and shall be entitled to the surplus if his share or shares, shall sell for more than the assessments due, with interest and cost of sale : *Provided, however,* That no assessment shall be laid upon any shares in said corporation for a greater amount in the whole than one hundred dollars upon each share.

Sec. 24. The directors shall have full power to conduct the affairs of said company, and to exercise any powers which said company might exercise, except where provision is made by this act for the exercise of such powers by the stockholders at their annual or special meetings, or where the powers of the directors may be restrained by the by-laws of said company. General powers of directors.

Sec. 25. The directors of said company shall annually, on or before the twenty-fifth day of January, make a report to the Secretary of State, which shall embrace the business of the preceding year, to the first day of January, stating the length of their road in operation, cost of construction, and the indebtedness of the company for materials or work in progress of delivery or execution, on account of construction, as near as can be conveniently ascertained, and all other indebtedness, if any there be ; the amount of capital stock subscribed and the amount actually paid in, and the amount of all loans made by said company for the purpose of constructing said road ; and the nett proceeds invested in the construction and stocking of said road ; the amount of dividends, the names of the stockholders, with the amount of stock owned each, respectively ; receipts from freight, from passengers, and from all other sources on account of operating the road ; the number of through and way passengers, respectively ; the expenditures for the repairs of the road, for the repairs of engines and cars, and other expenditures, which three items shall include all the expenditures for operating, and the expenditure made for construction during the year ; the number of engines, of passenger, freight and other cars ; the average number of men in employment of the company ; the number of miles run by passenger, freight or other trains, which report shall be verified by the affidavit of at least two of the directors, or persons having the superintendence of the same, and filed in the office of the Secretary of State. Annual report.

Sec. 26. The said company shall pay to the state an annual tax of

**Annual tax.** half of one per cent. upon its capital stock paid in, including all loans made by said company, and upon all nett proceeds invested in the construction and stocking of said road, for the purpose of constructing the said rail road, until the first day of February, A. D. one thousand eight hundred and fifty-eight, and thereafter an amount of one per cent. on the capital stock paid in, including all loans made to such company, and all nett proceeds invested in the construction and stocking of said road; which tax shall be paid in the last week in January in each year to the State Treasurer, and the property and effects of said company, whether real, personal or mixed, shall, in consideration thereof, be exempt from all and every tax, charge and exaction by virtue of any laws of this state now or hereafter to be in force, except penalties by this act imposed.

**State lien.** Sec. 27. The state shall have a lien upon the rail road of said company, its appurtenances and stock thereon, for all penalties, taxes and dues which may accrue to the state from said company, which shall take precedence of all other debts and demands, judgments or decrees against said company; and every inhabitant in this state shall have a lien upon said rail road, stock and appurtenances, and upon the property of said company, for all penalties, dues or demands against said company to the amount of one hundred dollars, originally contracted within this state, which, after said state lien, shall take precedence of all other debts or demands, judgments or decrees, liens or mortgages against said rail road or company.

**Trespasses, &c.** Sec. 28. If any person shall wilfully or maliciously do, or cause to be done, or aid in doing or causing to be done, any act or acts whatever, whereby any building, construction or work of said company, or any engine, machine or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall be guilty of a misdemeanor, and may be punished, upon conviction, by fine or by imprisonment not exceeding five years, or both, at the discretion of the court; and shall forfeit and pay to said corporation treble the amount of damages sustained by means of such offence or injury, to be recovered in the name of said company, with costs of suit, by action of trespass or trespass on the case.

Sec. 29. Said company shall at all times, if required by the post

office department, transport the United States mail upon said road, as often as their cars shall pass thereon, not exceeding twice in each day, for such compensation as shall be agreed upon by said company and the said department; and in case no such agreement can be made, it shall be lawful for the Governor of this State to appoint one commissioner, and the said company one, who, in case they cannot agree, shall appoint a third commissioner; which said commissioners, or a majority of them, shall agree upon and fix the price, terms and conditions of transporting such mail, after fifteen days' notice to said company: *Provided*, That nothing herein contained shall be construed to require any of the vehicles of said company to wait at any office for the change of mail.

Transportation of U. S. mail.

Sec. 30. The state may at any time after twenty years from the approval of this act, purchase and take from said company said rail road, and all the effects, assets and property of said company, and said rail road, property and appurtenances (subject to all existing mortgages or other liens thereon, on account of loans, the proceeds of which shall have been invested in the said road and other works of said company) shall fully and forever vest in and become the estate, property and effects of the state, to all intents and purposes, so soon and whenever, after the day aforesaid, the state shall pay or cause to be paid to said company, the value of the entire stock of said shares in said company, at the market value of such stock or shares, and ten per cent in addition to the market value of such stock or shares. The market value of said stock or shares to be ascertained by the supreme court of this state, in case the said company and the state cannot agree upon said value.

State right to purchase road.

Sec. 31. Any inhabitant of this State shall have a lien upon the stock, appurtenances and entire property of said rail road company for all claims and demands not exceeding one hundred dollars each against said company, originally contracted or incurred within this state, which shall take precedence of all other claims or demands, judgments or decrees, liens or mortgages against such company.

Lien of inhabitants.

Sec. 32. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made

Duration of charter. Repeal, &c.

within twenty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act.

Approved April 3, 1848.

No. 235.

AN ACT to incorporate the Grand River Plank Road Company.

*Incorporation*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Louis Campau, Amos Rathbone, Edmund B. Bostwick, Francis H. Cumming, Nelson Robinson, George M. Mills and Canton Smith, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Grand River Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Grand River Plank Road Company, with corporate succession.

*Route of road*

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Grand Rapids in the county of Kent, on the most eligible route to the village of Portland in the county of Ionia.

*Capital stock*

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

*Duration of charter.  
Repeal, &c.*

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.



Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13, 1848, shall be, and are made a part of this act. Subject to general provisions of revised statutes

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 236.

AN ACT to incorporate the Monroe and Erie Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lewis H. Bailey, Lewis Darrah and Samuel J. Holley, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Erie plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Monroe and Erie Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the city of Monroe, in the county of Monroe, on the most eligible route to the village of Vienna in said county. Route of road

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, its repeal, &c.

Co. may take  
portion of  
Maumee  
turnpike.

Sec. 5. As soon as said company shall be duly organized, the board of directors are hereby authorized to enter upon and take possession of so much of the Maumee turnpike road, so called, as lies between said city of Monroe and the village of Vienna in said county, and maintain a plank road thereon: *Provided*, That during the construction of said plank road, the said company shall in no [wise] unnecessarily prevent travel thereon.

Comm. coun-  
cil of Mon-  
roe may sub-  
scribe stock.

Sec. 6. The common council of the city of Monroe are hereby authorized to subscribe for said city an amount not exceeding in all five thousand dollars of the capital stock of this, or of any other company authorized to locate and construct a plank road terminating at said city, and provide for the payment thereof as for the ordinary expenses of said city.

General pro-  
visions.

Sec. 7. The provisions of an act entitled an act relative to plank roads, approved March thirteen, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 237.

AN ACT to change the name of the town of Michigan.

Name of ca-  
pital chang'd

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the town of "Michigan" in the county of Ingham, be and the same is hereby changed to "Lansing."

Approved April 3, 1848.

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No. 238.

AN ACT to incorporate the Jackson and Michigan Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That George B. Cooper, Guy Foss, Wilber F. Story, Amos Root and Jeremiah Marion, be and they are hereby appointed commissioners under the direction of a majority of

whom subscriptions may be received to the capital stock of the Jackson and Michigan Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Jackson and Michigan Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, Route of road from Jackson in the county of Jackson, to Michigan in the county of Ingham, with the right of uniting said road at any point with the plank road of any other company.

Sec. 3. The capital stock of said company shall be eighty thousand dollars, in two thousand shares of forty dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided that there be no violation of the charter of said company. Duration of charter.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 239.

AN ACT to incorporate the Brest and Ypsilanti Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That J. S. Bond, A. M. Arzeno, of the county of Monroe, and E. M. Skinner and W. A. Bugbee, of Incorporation

Washtenaw, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Brest and Ypsilanti Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Brest and Ypsilanti Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from Brest, in the county of Monroe, to the village of Ypsilanti, in the county of Washtenaw.

**Capital.** Sec. 3. The capital stock of said company shall be sixty thousand dollars, in two thousand shares of twenty-five dollars each.

**Duration of charter, &c.** Sec. 4. This act shall be and remain in force for the term of fifty years from and after its passage; but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 240.

AN ACT to incorporate the Pontiac and Lapeer Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Aaron Rood, James Turril,

Harvey Gray, William H. Powell, Loren N. Treat and Gideon O. Whittemore, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Pontiac and Lapeer Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Pontiac and Lapeer Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created, shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Pontiac, in the county of Oakland, to the village of Lapeer, in the county of Lapeer, with the right of uniting said road at any point with the plank road of any other company. Route of road

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in two thousand shares of twenty-five dollars each. Capital

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 241.

AN ACT to incorporate the Dexter and Michigan Plank Road Company.

**Incorporat'n** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel W. Dexter, D. C. Whitwood of Dexter, and E. B. Danforth of the county of Ingham, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Dexter and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the Dexter and Michigan Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Dexter, in the county of Washtenaw, to the town of Michigan in the county of Ingham.

**Capital.** Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

**Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**Gen'l provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 242.

**AN ACT** to incorporate the Genesee County Plank Road Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Jonathan Dayton, Charles D. W. Gibson, Charles C. Hascall, George H. Hazelton and Henry M. Henderson, of the county of Genesee, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Genesee County Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Genesee County Plank Road Company, with corporate succession. Incorporation

**Sec. 2.** Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the south line of the township of Grand Blanc on the Saginaw road in the county of Genesee, with the privilege of uniting at any point the road of any other company. Route of road

**Sec. 3.** The capital stock of said company shall be twenty-five thousand dollars in one thousand shares of twenty-five dollars each. Capital.

**Sec. 4.** This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided,* That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

**Sec. 5.** The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

**Sec. 6.** This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 243.

AN ACT to incorporate the Michigan and Mason Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* George B. Cooper, George W. Peck, and Minos McRobert, of Ingham county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Michigan and Mason plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Michigan and Mason Plank Road Company, with corporate succession.

Route of ro'd

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the town of Michigan to the village of Mason, in Ingham county, with the privilege of uniting said road at any point with the road of any other company.

Capital.

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in one thousand shares of twenty-five dollars each.

Duration of charter, &amp;c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.



No. 244.

AN ACT to incorporate the Clinton and Bad River Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That* J. W. Turner, Daniel Ferguson, Stephen W. Downer, Chandler W. Coy and Robert E. Craver, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Clinton and Bad River plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Clinton and Bad River Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Dewitt in the county of Clinton, on the most eligible route to the forks of Bad River in the county of Saginaw.

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 245.

AN ACT to incorporate the Detroit and Utica Plank Road Company.

**Interpretation** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Charles W. Chapel, James Covil, Jr., and James A. Hicks, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Utica plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Detroit and Utica Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the city of Detroit in the county of Wayne, on the most eligible route to the village of Utica in the county of Macomb.

**Capital.** Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty five dollars each.

**Duration of charter, &c.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 246.

AN ACT to incorporate the Indiana and Adrian Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Powle, John King and Sidney S. Drake, of Hillsdale county, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Indiana and Adrian plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Indiana and Adrian Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the Indiana state line, in the county of Hillsdale, on the most eligible route to the south west corner of Lenawee county, thence upon the most eligible route to the village of Adrian, in the county of Lenawee. Route of road

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years from the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. Said company shall be subject to all the provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 8, 1848.

AN ACT to incorporate the Lapeer and Pontiac Plank Road Company.

**Incorporation** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Lorin L. Treat, William H. Powell, Ezra Carpenter, Warner Churchill and Stephen S. Lord, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Lapeer and Pontiac plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Lapeer and Pontiac Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Lapeer in the county of Lapeer, by way of Oxford centre and the village of New Canandaigua to the village of Pontiac in the county of Oakland.

**Capital.** Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

**Duration of charter, &c.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 3. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 248.

**AN ACT** to incorporate the Tecumseh and Jackson plank Road Company.

**Section 1.** *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. W. Ketchum, Parley Bills, S. Walker, H. B. Lathrop and J. C. Wood, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Tecumseh and Jackson plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Tecumseh and Jackson Plank Road Company, with corporate succession. Incorporation

**Sec. 2.** Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Tecumseh in the county of Lenawee, on the most eligible route, to the village of Jackson in the county of Jackson. Route of road

**Sec. 3.** The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each. Capital.

**Sec. 4.** This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

**Sec. 5.** The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

**Sec. 6.** This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 249.

AN ACT to incorporate the Romeo and Lapeer Plank Road Company.

*incorporated* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That C. F. Mallary, Hiram Sherman, Moody Chamberlin, Harvey Grey and John M. Lamb, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Romeo and Lapeer plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Romeo and Lapeer Plank Road Company, with corporate succession.

*Route of road* Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Romeo in the county of Macomb, by the village of Almont, on the most eligible route to the village of Lapeer in Lapeer county.

*Capital.* Sec. 3. The capital stock of said company shall be sixty thousand dollars in two thousand four hundred shares of twenty-five dollars each.

*Duration of charter, &c.* Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

*Gettowed provisions.* Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 250.

AN ACT to incorporate the Battle Creek and Union City Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Cholett Cady, Joseph C. Leonard, Chester Hammond and John Champion, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Union City Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Union City Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road and all necessary buildings, from the village of Battle Creek in the county of Calhoun, on the most eligible route to the village of Union City, in the county of Branch. Route of road

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

## No. 251.

AN ACT to incorporate the Detroit and Erin Plank Road Company.

**Incorporation** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Austin Wales, Lansing B. Mizner and George M. Rich, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Erin plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Erin Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the city of Detroit in the county of Wayne, on the Fort Gratiot road, so called, twelve miles to or in the township of Erin in the county of Macomb, with the privilege to extend the same from thence on the most eligible route to the village of Utica in the county of Macomb.

**Capital.** Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each.

**Co. may take possession of certain road.** Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Fort Gratiot road, so called, as lies between the said city of Detroit and the township of Erin in the county of Macomb, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon.

**Duration of charter, &c.** Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of



said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 6. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act of incorporation. General provisions.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1849.

### No. 252.

AN ACT to incorporate the Portland and Michigan Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Wm. F. Jennison, A. Newman and Hezekiah Smith, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Portland and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Portland and Michigan Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Portland, in the county of Ionia to the town of Michigan in the county of Ingham. Route.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said Duration of charter.

thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Gen'l provisions. Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, and an act amendatory thereof, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 253.

AN ACT to incorporate the Mt. Clemens and Sterling Plank Road Company.

Incorporation. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Phineas Homan, Charles W. Chapel and John Stevens, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Mt. Clemens and Sterling plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Mt. Clemens and Sterling Plank Road Company, with corporate succession.

Route. Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the line of the "Shelby and Detroit Rail Road Company," in the town of Sterling, to the village of Mt. Clemens, in the county of Macomb.

Capital. Sec. 3. The capital stock of said company shall be ten thousand dollars, in four hundred shares of twenty-five dollars each.

Duration of charter. Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made

within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act. Gen'l provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

#### No. 254.

AN ACT to incorporate the Owasso and Bad River Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Alfred Williams, Amos Gould and John B. Barnes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Owasso and Bad River plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Owasso and Bad River Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have power to lay out, establish and construct a plank road and all necessary buildings, from the village of Owasso in the county of Shiawassee, on the most eligible route to the forks of Bad River in the county of Saginaw. Route of road

Sec. 3. The capital stock of said company shall be forty thousand dollars, in sixteen hundred shares of twenty-five dollars each. Capital,

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch Duration of charter, &c.

thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

General provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 255.

AN ACT to incorporate the Detroit and Birmingham Plank Road Company.

Incorporation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Edmund A. Brush, John Winder and George V. N. Lothrop, of the city of Detroit, and Peter Dox Erastus Cressy and David Allison, in the county of Oakland, are hereby appointed commissioners, by whom or a majority of them, subscriptions may be received to the capital stock of the Detroit and Birmingham plank road company, under which name such persons as shall become subscribers to said capital stock, are hereby constituted a body politic and corporate, for the purpose of building and maintaining a plank road from the city of Detroit in the county of Wayne, to the village of Birmingham in the county of Oakland. Said company shall have corporate succession.

Route of road

Capital:

Sec. 2. The capital stock of said company shall be fifty thousand dollars, divided into two thousand shares of twenty-five dollars each.

General provisions.

Sec. 3. The said company shall be subject to the provisions of an act entitled "an act relative to plank roads," approved March thirteenth, eighteen hundred and forty-eight, except so far as otherwise provided in this act.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Detroit and Saginaw road, so called, as lies between the Grand Circus in the said city of Detroit, and the village of Birmingham, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual travel thereon.

Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 256.

AN ACT to incorporate the Ann Arbor and Monroe Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William S. Maynard, Benjamin F. Fifield and Eleazer Barnes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ann Arbor and Monroe plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and pol- Incorporat'n

itic, by the name and style of the Ann Arbor and Monroe Plank Road Company, with corporate succession.

**Route.** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Ann Arbor in the county of Washtenaw, on the most eligible route to the city of Monroe, in the county of Monroe.

**Capital.** Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each.

**Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof, but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 257.

AN ACT to incorporate the Mt. Clemens and Romeo Plank Road Company.

**Incorporation** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That E. W. Giddings, Marvel Shaw, John Stephens, Robert F. Eastman, Henry C. Kibbee and Edward C. Gallup, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Mt. Clemens and Romeo Plank Road Company, and the subscribers thereto, with such other persons as shall associate

with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Mt. Clemens and Romeo Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Mt. Clemens, in the county of Macomb, on the most eligible route to or near the village of Romeo, in said county. Route of road

Sec. 3. The capital stock of said company shall be twenty thousand dollars, in one thousand shares of twenty dollars each, with power to increase said capital stock to thirty thousand dollars with a corresponding increase of the number of shares. Capital

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be, and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 258.

AN ACT to incorporate the Rochester and Royal Oak Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Miller, Heman Palmerlee, John F. Hamlin, A. Bernard Cudworth and Rollin Sprague, be Incorporat'n

and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Rochester and Royal Oak plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Rochester and Royal Oak Plank Road Company, with corporate succession.

**Route of road**      Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Rochester in the county of Oakland, on the most eligible route to the village of Royal Oak in the county of Oakland.

**Capital.**      Sec. 3. The capital stock of said company shall be forty thousand dollars, in sixteen hundred shares of twenty-five dollars each.

**Duration of charter.**      Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.**      Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 259.

AN ACT to incorporate the Paw Paw Plank Road Company.

**Incorporation**      Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Isaac W. Willard, James Crane



and Nathan Mears, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Paw Paw plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Paw Paw Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay <sup>Route of road</sup> out, establish and construct a plank road and all necessary buildings, from the village of Paw Paw, in the county of Van Buren, on the most eligible route to some point on the central rail road, at or near the point where the Little Prairie Road road crosses said rail road.

Sec. 3. The capital stock of said company shall be ten thousand <sup>Capital</sup> dollars, in four hundred shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty <sup>Duration of charter, &c.</sup> years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank <sup>General provisions.</sup> roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 260.

AN ACT to incorporate the Monroe and Saline Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representa-*

*Incorporat'ns* *tives of the State of Michigan*, That Caleb Van Husen, Thomas Farrington and Isaac P. Christiancy, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Monroe and Saline plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Monroe and Saline Plank Road Company, with corporate succession.

*Route of road* *Capital.* Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Saline, in the county of Washtenaw, on the most eligible route to the city of Monroe, in the county of Monroe, and a branch thereof from the village of Dundee and connecting with said road at a point as near the River Raisin as may be.

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four hundred shares of twenty-five dollars each.

*Co. may take possession of certain road.* Sec. 4. As soon as said company shall be duly organized the board of directors thereof are hereby authorized to enter upon and take possession of so much of the La Plaisance bay turnpike road, so called, as lies between the city of Monroe and the west line of the township of Raisinville, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent travel, or improperly obstruct the usual track thereon.

*Duration of charter, &c.* Sec. 5. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. •

Sec. 6. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act. General provisions.

Sec. 7. This act shall take effect from and after its passage.

Approved April 8, 1848.

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No. 261.

AN ACT to incorporate the Kalamazoo and Black Lake Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Lawrence Van De Walker, David B. Webster, Horace H. Comstock, Lintsford B. Coats, Joseph Fisk, B. D. Crary, Osmond Smith and Henry D. Post, be and they are hereby appointed commissioners under the direction of a majority of whom subscriptions may be received to the capital stock of the Kalamazoo and Black Lake plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Kalamazoo and Black Lake Plank Road Company, with corporate succession. Incorporat'n

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Kalamazoo in the county of Kalamazoo, on the most eligible route through the villages of Ostego and Allegan, to a point at or near the head waters of Black Lake, in the county of Ottawa; and shall also have the power, by a majority vote of the stockholders of said company, at any regular meeting thereof, to lay out, establish and construct a branch of said plank road from any point on the line thereof, between the village of Allegan and the north-western termination of said plank road to the village of Grand Rapids in the county of Kent. Route of road

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each, with the power to increase said capital stock to one Capital.

hundred thousand dollars, with a corresponding increase of the number of share.

Duration of  
charter, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Gen'l provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be deemed a part of this act.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 262.

AN ACT to incorporate the Michigan and Dewitt Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That James Seymour, Siloam S. Carter, J. W. Turner, Geo. T. Clark and David Ferguson, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Michigan and Dewitt plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Michigan and Dewitt Plank Road Company, with corporate succession.

Route of road

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings,

from the town of Michigan, in the county of Ingham, to the village of Dewitt, in the county of Clinton.

Sec. 3. The capital stock of said company shall be ten thousand <sup>Capital.</sup> dollars, in four hundred shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty <sup>Duration of</sup> years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided, That* after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company over and above all expenses shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank <sup>General pro-</sup> roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 263.

AN ACT to incorporate the Corunna and Saginaw Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That Isaac Castle, Alexander McArthur, Ransom W. Holley, Luke H. Parsons, Ebenezer C. Kimberly and Samuel W. Cooper, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Corunna and Saginaw plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Corunna and Saginaw Plank Road Company, with corporate succession. <sup>Incorporat'n</sup>

Sec. 2. Said company hereby created shall have the power to lay

**Route.** out, establish and construct a plank road and all necessary buildings, from Corunna, in the county of Shiawassee, to Saginaw, in the county of Saginaw, or to such intermediate point as the stockholders of said company shall determine.

**Capital.** Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

**Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses shall exceed ten per cent. of the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March 13th, 1848, shall be and are made a part of this act, together with an act amendatory thereto.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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### No. 264.

AN ACT to incorporate the Ann Arbor and Michigan Plank Road Company.

**Incorporation.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That G. D. Hill, Luther Boyden, Rob't S. Wilson, C. N. Ormsby, Volney Chapin, and Edward Mundy and Charles P. Bush, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Ann Arbor and Michigan plank Road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and poli-

tic, by the name and style of the Ann Arbor and Michigan Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from Ann Arbor in the county of Washtenaw, on the most eligible route to the town of Michigan in the county of Ingham. Route of road

Sec. 3. The capital stock of said company shall be one hundred thousand dollars, in four thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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### No. 265.

AN ACT to incorporate the Brooklin and Rome Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That L. G. Berry, Ira Bidwell, John Hart, Sylvester Walker and James Geddes, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Brooklin and Rome plank road company, and the subscribers thereto, with such other Incorporation

persons as shall associate with them, for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Brooklin and Rome Plank Road Company, with corporate succession.

**Route of road.** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Adrian in the county of Lenawée, to Jackson in the county of Jackson.

**Capital.** Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

**Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.*

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 266.

AN ACT to incorporate the Detroit and Howell Plank Road Company.

**Incorporation.** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan, That Henry Ledyard and Asahel S. Bagg, of the city of Detroit, Jahesh M. Mead of Plymouth in the county of Wayne, Augustus C. Baldwin, of Milford in the county of Oakland, and Josiah Turner of the county of Livingston, are hereby*



appointed commissioners, by whom or a majority of them, subscriptions may be received to the capital stock of the Detroit and Howell plank road company, under which name such persons as shall become subscribers to said capital stock, are hereby constituted a body politic and corporate, for the purpose of building and maintaining a plank road <sup>Route of road &c.</sup> from the city of Detroit in the county of Wayne, on the most eligible route to the village of Howell in the county of Livingston, and also from some point at or near the Sand Hill, so called, on the Grand River road, so called, in said county of Wayne, to the village of Waterford in said county, and also from some eligible point on the main line of the plank road hereby authorized to the village of Milford in the county of Oakland. Said company shall have the right to increase their capital stock to one hundred and fifty thousand dollars, and to extend the road to the town of Michigan in the county of Ingham. The directors shall annually, on the first Monday of June, open books of subscriptions to the capital stock till the full sum of one hundred and fifty thousand dollars, or a sufficient amount thereof to complete the road to Michigan, is subscribed. Said company shall have corporate succession.

Sec. 2. The capital stock of said company shall be one hundred and <sup>Capital.</sup> twenty-five thousand dollars, divided into five thousand shares of twenty-five dollars each.

Sec. 3. The said company shall be subjected to the provisions of <sup>General provisions.</sup> an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, except so far as otherwise provided in this act.

Sec. 4. As soon as said company shall be duly organized, the board of directors thereof are hereby authorized to enter upon and take possession of so much of the Detroit and Grand River road, so called, as lies between the city of Detroit and the village of Howell, and proceed to construct and maintain thereon a plank road: *Provided*, That during the construction of said plank road, the said company shall in no wise prevent or improperly obstruct the usual track thereon: *Provided further*, That nothing herein contained shall be construed as conveying any other or further right in said Grand River road, than the state as such possesses. <sup>Co. may take possession of certain road.</sup>

Sec. 5. This act shall be and remain in force for the term of sixty

Duration of  
charter, &c.

years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 267.

AN ACT to incorporate the Eaton Rapids Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gardner T. Rand, Horace Hamlin and Benjamin Knight, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Eaton Rapids Plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Eaton Rapids Plank Road Company, with corporate succession.

Route of ro'd

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Jackson, in the county of Jackson, on the most eligible route via the village of Eaton Rapids, in the county of Eaton, to the town of Michigan, in the county of Ingham.

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, in three thousand shares of twenty-five dollars each.

Sec. 4. This act shall be and remain in force for the term of sixty

years from and after its passage, but the legislature may at any time <sup>Duration of charter, &c.</sup> alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. <sup>General provisions.</sup>

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 268.

AN ACT to incorporate the Battle Creek and Michigan Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Johnson, of Michigan, Hannibal G. Rice, of Charlotte, Sylvanus Huntseeker, of Bellevue, and William Brooks, of Battle Creek, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Michigan plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Michigan Plank Road Company, with corporate succession. <sup>Incorporat'n</sup>

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, <sup>Route of road</sup> from the village of Battle Creek in the county of Calhoun, on the most eligible route, to the town of Michigan in the county of Ingham.

Sec. 3. The capital stock of said company shall be seventy-five

**Capital.** thousand dollars, in three thousand shares of twenty-five dollars each.

**Duration of charter, its repeal, &c.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly net profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 269.

AN ACT to incorporate the Battle Creek and Gull Prairie Plank Road Company.

**Incorporation** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Ashbell Kellogg, Alonzo Noble, Charles Mason and Mumford Eldred, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Battle Creek and Gull Prairie plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic by the name and style of the Battle Creek and Gull Prairie Plank Road Company, with corporate succession.

**Route of road** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Battle Creek, in the county of Calhoun, on the most eligible route to the town of Gull Prairie, in the county of Kalamazoo.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty five dollars each. Capital stock

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company. Duration of  
charter.  
Repeal, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General pro  
visions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

# No. 270.

AN ACT to incorporate the Detroit and Mt. Clemens Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Austin Wales, Lansing B. Mizner, George M. Rich, Porter Kibbee, John Stephens and Thomas M. Perry, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Detroit and Mt. Clemens plank road company, and the subscribers thereto with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Detroit and Mt Clemens Plank Road Company, with corporate succession. Incorporat

Sec. 2. Said company hereby created shall have the power to lay

**Route of road** out, establish and construct a plank road and all necessary buildings, from the city of Detroit in the county of Wayne, to the village of Mt. Clemens in the county of Macomb, with the privilege of constructing a branch from some point on said road to the village of Utica in said county, and to unite said road at any point with the road of any other company.

**Capital.** Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

**Duration of charter.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**Gen'l provisions.**

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteen, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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### No. 271.

AN ACT to incorporate the Flint and Fentonville Plank Road Company.

**Incorporat'n** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Charles C. Hascall, Benjamin Pearsons, George H. Hazelton, Robert Le Roy and John Hamilton, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Flint and Fentonville Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them

for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Flint and Fentonville Plank Road Company, with corporate succession.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Flint to the village of Fentonville, on the line of the state road between the said villages. Route of road

Sec. 3. The capital stock of said company shall be twenty-five thousand dollars, in one thousand shares of twenty-five dollars each. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company. Duration of charter, &c.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. General provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 272.

AN ACT to incorporate the New Baltimore and Romeo Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Aldis L. Rich, Alfred Ashley, and Asahel Bailey, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the New Baltimore and Romeo Plank Road Incorporation

Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the New Baltimore and Romeo Plank Road Company, with corporate succession.

**Route of road.** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of New Baltimore in the county of St. Clair, on the most eligible route to the village of Romeo in the county of Macomb.

**Capital.** Sec. 3. The capital stock of said company shall be seventy-five thousand dollars, to be divided into three thousand shares of twenty-five dollars each, with the power to increase said capital stock to one hundred thousand dollars, with a corresponding increase of the number of shares.

**Duration of charter, &c.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage; but the legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

**General provisions.** Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 273.

AN ACT to change the time for the collection of taxes in the counties of Chippewa, Marquette, Houghton, Schoolcraft and Ontonagon, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representa-*



*tives of the State of Michigan*, That the time for making out the assessment roll of the taxable property in the counties of Chippewa, Marquette, Houghton, Schoolcraft and Ontonagon, be between the third Monday of April and the first Monday of July in each year, and the assessors shall, on Saturday next preceding the second Monday of July in each year, meet at the office of the supervisor, for the reviewing and completing their assessment as now required by law in other counties.

Time for making out assessment roll extended.

Sec. 2. The township clerk shall, on or before the third Monday of July in each year, deliver to the supervisor of his township, a statement of the money to be raised therein for township purposes.

Duty of township clerk.

Sec. 3. The annual meeting of the supervisors of the counties aforesaid, shall be on the first Monday of August instead of the second Monday of October, as now prescribed by law.

Annual meeting of supervisors.

Sec. 4. The supervisor of each township, on or before the twentieth day of August, shall notify the township treasurer of the amount of state and county tax apportioned to his township, and such treasurer, on or before the twenty-fifth day of August, shall make out and deliver his bond to the county treasurer as prescribed by law, and the said township treasurer shall deliver the receipt of the county treasurer to the supervisor, on or before the twenty-eighth day of August.

Duties of supervisors.

Sec. 5. The supervisor, after the delivery of such receipt, shall deliver to the township treasurer the corrected assessment roll of his township, on or before the first day of September, made out in the form prescribed by law in other cases, and with a proper warrant annexed.

Ibid.

Sec. 6. The township treasurer, upon receiving the necessary tax list and warrant, shall proceed to collect the tax therein mentioned as prescribed by law, and shall pay over to the county treasurer the amount therein specified for state and county purposes, on or before the twentieth day of November, instead of the first day of February, as now required by law.

Township Treasurer.

Sec. 7. This act shall take effect and be in force from and after its passage,

Approved April 3, 1849.

## AN ACT to provide for Statistical Information.

Duties of assessors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the assessors in each township at the time of making out their assessment rolls, to ascertain and set down in tables prepared for that purpose, the number of acres of improved land ; the number of acres sowed with wheat; the number of bushels of wheat raised the preceding year ; the number bushels of all other kinds of grain in the aggregate ; the number of sheep and the number of pounds of wool of the clip of the preceding year, and the number of horses and horned cattle in the aggregate over the age of two years ; the number of flouring mills with the aggregate number of run of stone ; the number of saw mills with the aggregate number of feet of lumber sawed the preceding year ; the number of manufactories, designating the kind and showing the aggregate number of hands employed, and specifying the number of said mills and factories operated by steam, and the number by water power ; the number of pounds of sugar manufactured ; the number of mines worked, specifying the kind of minerals and the aggregate quantity in pounds and of its valuation at the place of mining, and the value of merchandize imported the preceding year for the purpose of sale.

To make annual returns.

Sec. 2. The said assessors shall on or before the third Monday of May in each year, return to the county clerks of their respective counties, the said statements, who shall file the same in their offices. The clerk of said county shall condense in a table the returns in said statements contained, which condensed table he shall record in a book in his office, and on or before the first Monday of July in each year, he shall send a certified copy thereof to the Secretary of State.

Sec. of State to record, &c

Sec. 3. The Secretary of State shall record the said copy in a book in his office. It shall also be his duty to transmit to the several county clerks to be by them distributed to the said assessors, blank forms for the tables mentioned in the first section of this act. He shall also transmit to the county clerks blank forms for the condensed tables mentioned in section two.

Sec. 4. The Secretary of State shall condense in a tabular form the

several returns so made to him, and shall at the commencement of each annual session of the legislature report the same to them. Annual report of Sec. of State.

Approved April 3, 1848.

No. 275.

**AN ACT** to establish a state road from the village of Michigan in the county of Ingham, to Saginaw City in the county of Saginaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Smith, Alfred L. Williams and Daniel Gould, be and they are hereby appointed commissioners to lay out and establish a state road from the village of Michigan in the county of Ingham, on the most direct and eligible route, by the way of Owasso, in the county of Shiawassee, and Northampton and the forks of Bad river in the county of Saginaw, to the city of Saginaw. Com'rs to lay out road.

Sec. 2. The commissioners named in this act shall file the surveys of so much of the above mentioned road, in the office of the township clerk of each township through which said road shall pass as shall be laid out in such township, and it is hereby made the duty of the township clerks in the said townships to record the surveys of said road in the same manner that the surveys of township roads are directed by law to be recorded. Surveys to be filed.

Sec. 3. That it shall be the duty of the commissioners of highways in the several townships through which said road shall pass, to open and work said road in the same manner, and by virtue of the same law as township roads are required to be opened and worked. Duties of highway com'rs.

Sec. 4. The state shall not be liable for any expenses incurred or damages sustained by reason of this act, and in case the road mentioned in the preceding sections of this act shall not be laid out and established within two years from the passage of this act, the provisions therein contained shall be void. State not liable, &c.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 280.

## AN ACT to incorporate the Adrian and Bean Creek Plank Road Company.

**Incorporat'n** Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Geo. C. Knight, E. C. Winter, C. D. Smith, N. Corey and Nathaniel Cooper, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Adrian and Bean Creek plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body politic and corporate by the name and style of the Adrian and Bean Creek Plank Road Company, with corporate succession.

**Route, &c.** Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road, and all necessary buildings, from the village of Adrian in the county of Lenawee, on the most eligible route to such point on Bean Creek, in the township of Rollin in said county, as shall be thought advisable; and shall also have the power, by a majority vote of the stockholders of said company at any regular meeting thereof, to lay out, establish and construct a branch of said plank road from any point in the line thereof between the village of Adrian and the termination of said plank road, to the village of Jackson in the county of Jackson.

**Capital.** Sec. 3. The capital stock of said company shall be seventy-five thousand dollars in three thousand shares of twenty-five dollars each, with the power to increase said capital stock to one hundred thousand dollars, with a corresponding increase of the number of shares.

**Duration of charter, &c.** Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on

the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. Gen'l provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

### No. 281.

AN ACT to incorporate the Adrian and White Pigeon Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Hart, John R. Clark, T. D. Billings, Ira Buck and C. B. Stebbins be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Adrian and White Pigeon Plank Road Company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name and style of the Adrian and White Pigeon Plank Road Company, with corporate succession. Incorporation

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Adrian, in the county of Lenawee, on the most eligible route, to White Pigeon, in the county of St. Joseph. Route.

Sec. 3. The capital stock of said company shall be seventy-five thousand dollars in three thousand shares of twenty-five dollars each, with power to increase said capital stock to two hundred thousand dollars, with a corresponding increase in the number of shares. Capital.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to appear to the legislature that there has been a violation by the com- Duration of charter, &c.

pany of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent on the capital stock invested, provided there be no violation of the charter of said company.

Gen'l provisions.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

#### No. 282.

AN ACT to incorporate the Harrison and Jackson Plank Road Company.

Incorporat'n

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That D. C. Jackson, J. H. Cleaveland, C. D. Smith, A. J. Comstock and W. F. Story, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the Harrison and Jackson plank road company, and the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of the Harrison and Jackson Plank Road Company, with corporate succession.

Route.

Sec. 2. Said company hereby created shall have the power to lay out, establish and construct a plank road and all necessary buildings, from the village of Harrison, in the county of Lenawee, to the village of Jackson in the county of Jackson.

Capital.

Sec. 3. The capital stock of said company shall be fifty thousand dollars, in two thousand shares of twenty-five dollars each.

Duration of charter, &c.

Sec. 4. This act shall be and remain in force for the term of sixty years from and after its passage, but the legislature may at any time alter, amend or repeal this act by a vote of two-thirds of each branch thereof; but such alteration, amendment or repeal shall not be made within thirty years of the passage of this act, unless it shall be made to

appear to the legislature that there has been a violation by the company of some of the provisions of this act: *Provided*, That after said thirty years, no alteration or reduction of the tolls of said company shall be made during its existence, unless the yearly nett profits of said company, over and above all expenses, shall exceed ten per cent. on the capital stock invested, provided there be no violation of the charter of said company.

Sec. 5. The provisions of an act entitled an act relative to plank roads, approved March thirteenth, eighteen hundred and forty-eight, shall be and are made a part of this act. Gen'l provisions.

Sec. 6. This act shall take effect from and after its passage.

Approved April 3, 1848.

No. 283.

**AN ACT** to authorize the supervisors of the county of Kalamazoo to build a free bridge across the Kalamazoo, river at the village of Kalamazoo and for other purposes.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the supervisors of the county of Kalamazoo be and they are hereby authorized to build a free bridge across the Kalamazoo river, in the village of Kalamazoo in said county. Bridge authorized to be built.

Sec. 2. That two thousand acres of internal improvement lands upon the lower peninsula, be and the same are hereby appropriated for the purpose of building said bridge; the said supervisors may select said lands and report their selection to the Commissioner of the Land Office, who shall reserve them for the purposes above stated, and shall issue certificates therefor in quantities not less than eighty acres, after the said bridge shall have been completed: *Provided*, It is finished within two years from the passage of this act; the certificates not to be issued until the sheriff of the county of Kalamazoo shall certify to the Commissioner of the Land Office that said bridge is completed and the amount of the certificates shall not exceed the value of the said lands, estimated at one dollar and twenty cents per acre, and the expense of locating the lands, to be paid out of the county treasury of said county. 2000 acres int. imp. lands appropriated.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 234.

AN ACT to provide for the improvement of the main road from Jackson, in the county of Jackson, to Michigan, in Ingham county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That ten thousand acres of internal improvement lands be, and the same are hereby appropriated for the purpose of improving the main road between the village of Jackson, in Jackson county, and the village of Michigan, in the county of Ingham: *Provided,* That seven thousand acres shall be expended on that part of the road that lies in the county of Ingham, and three thousand acres on that part of the road that lies in the county of Jackson.

Special commissioner.

Sec. 2. For the purpose of carrying the provisions of this act into effect the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner before entering thereon.

His powers and duties.

Sec. 3. The said special commissioner shall by virtue of his appointment, have the control and management of the improvements specified in this act, and shall have power to superintend the same in person, or to let out by contract, any job or jobs therefor to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond with sureties, to be approved by him and conditioned for the faithful performance of the work, according to the stipulations of said contract.

Advertise for proposals.

Sec. 4. It shall be the duty of said special commissioner before letting any such job or jobs to advertise for proposals, stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs in a newspaper printed in the county where the labor is to be performed.



Sec. 5. Whenever any contractor under the preceding sections of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such services by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be received at the said office in payment for any unappropriated internal improvement lands belonging to the state: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale than forty acres.

Payment of  
contractors,  
&c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from the said appropriations hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation  
of com'r, &c.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 285.

**AN ACT** to provide for the construction and improvement of the Northern Wagon Road from Port Huron, in the county of St. Clair, through the counties of Lapeer and Genesee, to Corunna, in the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That twenty thousand acres of internal improvement lands be, and they are hereby appropriated for the purpose of constructing and improving the northern wagon road

20,000 acres  
int imp. land  
appropriated

in the counties of St. Clair, Lapeer, Genesee and Shiawassee to the town of Corunna.

Spec'l com'r.  
his powers  
and duties.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall, in virtue of his appointment, have the control and management of the said improvement in this act specified, and shall superintend in person the outlay of the above appropriation, and for that purpose may employ laborers; purchase materials and let by contract to the lowest bidder, such jobs as he may deem advisable upon receiving the bond of any such contractor, with sufficient sureties, conditioned for the faithful performance of the contract: *Provided*, That public notice of the time and place of such letting be first given by publishing the same for three successive weeks in the newspapers published in St. Clair, Lapeer, Genesee and Shiawassee counties and in the state paper.

Payment of  
contractors,  
and others.

Sec. 3. Upon the completion of any job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured, or materials purchased by said commissioner, for the purposes contemplated by this act, such commissioner may draw his orders on the auditor general for warrants drawn against and payable in internal improvement lands: *Provided*, That the aggregate orders, so drawn by said commissioner, shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Warrants.

Sec. 4. The warrants thus issued by the Auditor General, as aforesaid, upon orders drawn by said commissioner as aforesaid, shall be receivable at par in payment for any internal improvement lands unsold and not otherwise specifically appropriated at the time of the presentation of any such warrants at the state land office.

Com'r to  
take oath &  
give bond.

Sec. 5. The said commissioner, before entering upon the discharge of his duties, shall take and subscribe the constitutional oath of office, and execute a bond to the people of this state, with sufficient sureties, conditioned for the faithful discharge of the duties devolved upon him as such commissioner, which said bond shall be approved by, and filed in the office of the Secretary of State.

His compen-  
sation. &c.

Sec. 6. The said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch com-  
pass-

ble with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day, for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from the said appropriation, and shall render to the Auditor General an account of all services rendered by him, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 286.

AN ACT appropriating certain Internal Improvement Lands for opening and improving the roads in the county of Branch.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of the internal improvement lands in the lower peninsula of this state be and are hereby appropriated for opening and improving the roads in the county of Branch, to be appropriated as the supervisors of the county may direct, by a vote of two-thirds of said board, at any regular meeting thereof. Appropriat'n

Sec. 2. For the purpose of carrying into effect the provisions of this act, the board is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor, except upon the order of said board of supervisors. Spec'l com'r appointed.

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him for the faithful performance of his contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work, for at least three successive weeks, in the Coldwater Sentinel. His duties.

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum C m'pensat'n &c.

not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the board of supervisors, upon a bill of such services sworn to be a true bill, and that all the services charged for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the board of supervisors shall issue their warrant to said commissioner payable in internal improvement lands for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

Payment of  
contractors  
and others.

Sec. 5. Upon the completion of any joblet in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, the board of supervisors may draw orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands.

Oath and  
bond.

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the board of supervisors, conditional for the faithful performance of all his said duties, which oath and bond shall be filed with the board of supervisors. In case of a vacancy in the office of said commissioner, the board of supervisors may appoint a new commissioner, who shall take the same oath and give a like bond.

Sec. 7. Said board of supervisors shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

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No. 287.

AN ACT for improving a certain road in the county of Hillsdale.

Appropriation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands in the lower peninsula be and the same are hereby

appropriated for the purpose of improving the road commencing at Hillsdale, in the county of Hillsdale, and running to or near the north-east corner of the state of Indiana.

Sec. 2. For the purpose of laying out and establishing the said road, and of opening and improving the same, by the outlay of the above appropriation, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner. Spec'l comm'r.

Sec. 3. The said special commissioner, shall by virtue of his appointment have the control and management of the improvement contemplated by this act, and shall have power to let out by contract the working and improvement of said road to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties to be approved by him and conditioned for the faithful performance of the work stipulated in said contract: *Provided*, That before such letting of work, the said commissioner shall advertise for proposals for opening and improving said road, or any part thereof, in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks, in a newspaper published at Hillsdale. His powers and duties.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Commissioner of the State Land Office, and which order shall be received at the Land Office in payment for any lands belonging to the state not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in less quantity in any one certificate than forty acres. Payment of contractors and others.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be Component of comm'r. du

compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 288.

AN ACT providing for the appropriation of certain internal improvement lands on the state road leading from Lexington, in the county of St. Clair, to Rogers' Mills, in Lapeer county.

*Appropriation* Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of the internal improvement lands be, and the same are hereby appropriated for the purpose of constructing a road from the village of Lexington, in the county of St. Clair, to Rogers' Mills, in Lapeer county.

*Spec'leom'r.* Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing no certificate for any tract or parcel thereof except upon the order of said special commissioner.

*His powers and duties.* Sec. 3. The said special commissioner shall in virtue of his appointment, have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and working of said road to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided, That* before such letting, the said commissioner shall advertise for proposals for constructing said road, or such part thereof as he may deem

proper, in some newspaper published in the county of St. Clair, for three weeks successively, which last publication shall not be more than thirty, nor less than ten days previous to such letting.

Sec. 4. Whenever any contractor, under the preceding section of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or any service shall have been rendered, under the provisions of this act, it shall be the duty of the said commissioner to pay said contractor according to the terms of his contract, or for any such service by his order drawn on the Auditor General for warrants drawn against and payable in internal improvement lands, which warrants shall be receivable at the state land office in payment for any lands selected and reserved from sale by the provisions of this act: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than that now established by law, for the sale of the internal improvement lands, or a less quantity in any one certificate of sale than the usual legal subdivision of said lands.

Payment of  
contractors,  
&c.

Sec. 5. The said special commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office and execute and file a bond to the people of this state in such sum and with such sureties as shall be approved by the Auditor General, conditioned for the faithful discharge of his duties as such special commissioner.

Oath & bond

Sec. 6. Said commissioner shall proceed to the outlay of the appropriation made by this act with all the diligence and dispatch compatible with proper economy and the best interest of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable pro rata from the said appropriation, and shall render to the Auditor General an account of all services rendered by him by virtue of the provisions of this act, verified by his oath; thereupon the Auditor General shall issue his warrant to the said special commissioner for the amount of such services, which shall be receivable by the Commissioner of the State Land Office for any lands selected and reserved from sale by the provisions of this act.

Compensat'n  
of com'r.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 289.

AN ACT to provide for laying out and establishing a state road from Albion to Eaton Rapids, and to make an appropriation for opening and improving the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Jesse Crowell, Marvin Hanna and Samuel Weeks, be and they are hereby authorized and appointed commissioners to lay out and establish a state road from the village of Albion in the county of Calhoun, on the most eligible route to Eaton Rapids, in the county of Eaton.

Com'r to lay  
out state ro'd

Duties of  
com'rs.

Sec. 2. It shall be the duty of the commissioners appointed by this act to lay out and establish the said road, to cause a map to be made of so much of the same as shall be laid through each township with the courses and distances plainly designated thereon, which shall be certified by them or a majority of them, and recorded in the office of the township clerk of the township through which it shall run.

Damages.

Sec. 3. The owners of land through which said road may pass, shall be entitled to an appraisal and assessment of damages, and to compensation therefor in the same manner in every respect as if such road was laid out by highway commissioners of the township through which the same may run.

State not li-  
ble.

Sec. 4. The state shall in no way be liable for the expenses of laying out said road.

Appropriat'n

Sec. 5. For the purpose of opening and [improving] said road, two thousand acres of internal improvement lands in the lower peninsula of this state be and the same is hereby appropriated, to be expended between Duck Lake and Eaton Rapids.

Spec'l com'r

Sec. 6. For the purpose of carrying into effect the provisions of this act, the Governor of the State is hereby authorized to appoint a special commissioner to make a selection of the lands hereinbefore appropriated, and to report such selection to the Commissioner of the State Land Office, who shall thereupon reserve the same from sale, issuing



no certificate for any tract or parcel thereof, except upon the order of the said special commissioner.

Sec. 7. The said commissioner shall by virtue of his appointment have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work stipulated in the contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work; such advertisement to be published for three successive weeks, in a newspaper published in the county of Calhoun.

His powers and duties.

Sec. 8. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the public, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a presentation to him of a bill of such service sworn to be a true bill and account of the service performed by said commissioner, and that the same was necessary in the proper expenditure of said appropriation, and upon the auditing and allowing such bill, the Auditor General shall draw his warrant to said commissioner, payable in internal improvement lands for the amount so audited and allowed, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment for any such lands as may be reserved by this act from sale, not otherwise appropriated.

Compensation &c.

Sec. 9. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received in the state land office in payment for any such lands not before sold.

Payment of contractors &c.

Sec. 10. Said special commissioner, before entering upon the duties of his station, shall take and subscribe the constitutional oath of office,

Oath & bond

and file a bond with the Auditor General, with sureties, to be approved by him, conditioned for the faithful discharge of his duties as such commissioner.

Vacancy.

Sec. 11. In case of a vacancy in the office of said commissioner, by the death, resignation or refusal to act as such commissioner, before the said appropriation shall be expended, it shall be the duty of Governor to fill such vacancy, and the person appointed to fill such vacancy, shall, before entering upon the duties of his office, take the oath of office, file his bond and perform all the duties of the commissioner authorized and required by this act.

Sec. 12. Said commissioner shall not draw orders for more land than is appropriated and reserved in pursuance of this act.

Sec. 13. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 290.

AN ACT appropriating certain internal improvement lands for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw.

Appropriation

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That three thousand acres of internal improvement lands be and the same are hereby appropriated for the improvement of the road from Mason, in the county of Ingham, to Dexter, in the county of Washtenaw; two thousand acres to be laid out on the road from Mason to Stockbridge, and one thousand acres on the road from Stockbridge to Dexter.

Spec' Comm'r.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

His powers and duties.

Sec. 3. The said special commissioner shall by virtue of his appointment, have the control and management of the improvement contemplated in this act, and shall have power to superintend the same in

person, or to let out by contract any job or jobs that may be necessary for the improvement of said road, (the amount of which jobs and improvements shall not exceed the amount of this appropriation,) to the lowest bidder or bidders, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him and conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise for proposals for said job or jobs, or any part of said improvement, describing the same; such advertisement to be published three successive weeks in one newspaper published in the county of Ingham, and one in the county of Washtenaw.

Sec. 4. Whenever any contractor, under the provisions of this act, shall have finished his job, according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such service by his order drawn on the Auditor General for warrants to be drawn on the Commissioner of the State Land Office, payable in any internal improvement lands belonging to this state not otherwise appropriated: *Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any such lands at a less sum than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate than forty acres.

Payment of  
contractors,  
&c.

Sec. 5. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all diligence and dispatch compatible with proper economy and the best interests of the state, and shall file with the Auditor General an account of all services by him thus rendered, verified by his oath; and shall receive for his services a sum not exceeding one dollar and fifty cents per day for the time necessarily employed by him in the discharge of the duties devolved upon him by the provisions of this act, payable from said appropriation upon the warrant of the Auditor General, drawn upon the Commissioner of the Land Office.

Compensation  
&c.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 8, 1848.

No. 291.

AN ACT providing for internal improvement in the county of Lenawee.

Appropriation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands be and they are hereby appropriated to the county of Lenawee, to be applied in the construction of roads and bridges, or in draining of swamps and marshes, or both; and the specific objects and amounts shall be designated by the board of supervisors of said county.

Spec'l com'r.

Sec. 2. For the purpose of carrying the provisions of this act into effect, the Governor of the state is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond, with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner, before entering thereon.

Powers and duties of com'r.

Sec. 3. The said special commissioner shall by virtue of his appointment, have the control and management of the improvements authorized by this act, and shall have power to superintend the same in person, or to let out by contract any job or jobs therefor, to the lowest bidder, who shall execute and deliver to the said commissioner a good and sufficient bond, with sureties, to be approved by him, and conditioned for the faithful performance of the work according to the stipulations of said contract.

Shall advertise for proposals.

Sec. 4. It shall be the duty of said special commissioner, before letting any such job or jobs, to advertise for proposals stating the time and place of meeting for that purpose, which notice shall be given at least four weeks previous to the letting of said jobs, in a newspaper printed in the county where the labor is to be performed.

Payment of contractors.

Sec. 5. Whenever any contractor, under the preceding sections of this act, shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by the said special commissioner, or if any services shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor for any such services, by his order drawn on the Commissioner of the State Land Office, payable in lands only, which order shall be received at the said office in payment for

any unappropriated internal improvement lands belonging to the state :  
*Provided*, That nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a less price than one dollar and twenty-five cents per acre, or in a less quantity in any one certificate of sale than forty acres.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act, with all the diligence and dispatch compatible with proper economy and the best interests of the state, and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable from the said appropriation hereinbefore made, and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Compensation of com'r his acc't &c.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 292.

**AN ACT** appropriating certain internal improvement lands for the construction of a Free Bridge across the Clinton River, in the village of Pontiac.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That one thousand acres of internal improvement lands be and the same are hereby appropriated for the purpose of building a free bridge across Clinton river, where the Detroit and Saginaw turnpike crosses said river, in the village of Pontiac, in the county of Oakland.

Appropriation.

Sec. 2. For the purpose of carrying into effect the provisions of this act, the Governor of this state is hereby authorized to appoint a special commissioner, who shall, before entering upon the duties of his station, take and subscribe the constitutional oath of office, and file a bond with sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner.

Spe'l com'r.

Sec. 3. The said special commissioner shall, in virtue of his appointment, have the control and management of said work, and may superintend the outlay of said appropriation in person, and for that

Powers and duties of com'r.

purpose may employ laborers and purchase materials, or he may let out by contract the whole or any portion of said work to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond with sureties, to be approved by him, conditioned for the due and faithful performance of the work stipulated in the contract: *Provided*, That before such letting, the said commissioner shall advertise the same by an advertisement to be published for three successive weeks in the Pontiac Jacksonian.

Payment of  
contractors.

Sec. 4. Upon the completion of any such job, and in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purpose contemplated by this act, such commissioner may draw his orders upon the Auditor General for warrants drawn against and payable in internal improvement lands, which said warrants shall be received in the state land office in payment for any such lands not withheld from sale or otherwise appropriated: *Provided*, That the aggregate orders so drawn by said commissioner, shall not exceed the amount of land hereinbefore appropriated, at one dollar and twenty-five cents per acre.

Compensation  
of spec-  
com'r &c.

Sec. 5. Upon the completion of the duties hereinbefore assigned to said commissioner, he shall be entitled to receive for the time necessarily employed therein, a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the township board of the township of Pontiac, in said county, at any meeting of said board, upon presentation of the account of said commissioner duly verified by his oath, and shall be raised and paid as other township expenses are by the provisions of existing laws.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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#### No. 293.

AN ACT to authorize the Board of Auditors of the county of Wayne to repair or rebuild the two draw-bridges over the river Rouge, the one in the township of Greenfield and the other in the township of Springwells, in said county.

*Section 1. Be it enacted by the Senate and House of Representatives of the State of Michigan, That the board of auditors of the*

county of Wayne be, and they are hereby authorized to rebuild and repair the two draw-bridges in said county over the river Rouge, the one in the township of Greenfield and the other in the township of Springwells.

Ed of And's of Wayne co may repair bridges.

Sec. 2. That one thousand six hundred acres of internal improvement lands upon the lower peninsula, be and the same are hereby appropriated for the purpose of repairing and rebuilding said bridges, and the said board of auditors may select said lands and report it to the Commissioner of the Land Office, who shall reserve it for the purposes above stated, and shall issue certificates therefor, in quantities not less than eighty acres, after the said bridges shall have been completed: *Provided*, The same are finished within one year from the passage of this act; the certificates not to be issued until the sheriff of the county of Wayne shall certify to the Commissioner of the Land Office that said bridges are repaired or rebuilt and complete, to the satisfaction of the board of auditors, or a select committee of said board, appointed by the same, for the express purpose to examine and accept the work from the contractors; and the amount of the certificates shall not exceed the costs of the work and materials for said bridges.

Appropriation for such repair.

Mode of expenditure &c.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

No. 294.

AN ACT to provide for opening and improving the road leading from the south line of the township of Metamora to the Holland Colony, in the county of Tuscola, and for the building of a bridge across the Cass river, at or near Hurd's mill, so called.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That five thousand acres of internal improvement lands in the lower peninsula of this state be and are hereby appropriated for opening and improving the road leading from the south line of the township of Metamora to the Holland Colony, in the county of Tuscola, and for building a free bridge across the Cass river at or near Hurd's mill so called.

Appropriation.

Sec. 2. For the purpose of carrying into effect the provisions of

**Special com'r.** this act the Governor is hereby authorized to appoint a commissioner to make a selection of the land herein appropriated, and to report such selection to the Commissioner of the Land Office, who shall thereupon reserve the same from sale, issuing no certificate therefor except upon the order of said commissioner; said commissioner shall receive no compensation for making said selection.

**Powers and duties of com'r.**

Sec. 3. The said commissioner shall have the control and management of the improvements in this act specified, and shall have power to let out by contract the opening and improving said road, in such parts or jobs as he may think best, to the lowest bidder, who shall execute to said commissioner a bond to be approved by him for the faithful performance of his contract: *Provided*, That before such letting the said commissioner shall advertise for proposals for contracting said work, for at least three successive weeks in the newspapers published in the counties of Lapeer and Saginaw.

**Compensation of com'r. his spec'ls &c.**

Sec. 4. Said special commissioner shall perform his said duties with proper dispatch and diligence, and shall receive for his services a sum not exceeding one dollar and fifty cents per day, and such compensation shall be audited and allowed by the Auditor General, upon a bill of such services sworn to be a true bill, and that all the services charged for therein were necessary and proper in the opinion of said commissioner. On allowing such bill the Auditor General shall issue his warrant to said commissioner payable in internal improvement lands for the amount so audited, at one dollar and twenty-five cents per acre, which warrant shall be received in the state land office in payment of any such lands as may be reserved by this act from sale.

**Payment of contractors.**

Sec. 5. Upon the completion of any job let in pursuance of this act, in payment of the amount stipulated in the contract therefor, and also in payment for any labor procured or materials purchased by said commissioner for the purposes contemplated by this act, said commissioner may draw his orders upon the Auditor General for warrants payable in internal improvement lands reserved in pursuance of this act, which said warrants shall be received at the state land office in payment for any such lands.

**Oath & bond of com'r.**

Sec. 6. Said commissioner before entering upon his said duties, shall take an oath faithfully to perform the same, and give a bond to be approved by the Auditor General, conditional for the faithful perform-



ance of all his said duties, which oath and bond shall be filed with the Auditor. In case of a vacancy in the office of said commissioner, the Governor may appoint a new commissioner, who shall take the same oath and give a like bond. Vacancy.

Sec. 7. Said commissioner shall not draw orders for any more land than is appropriated and reserved hereby.

Sec. 8. This act shall take effect from and after its passage.

Approved April 3, 1848.

### No. 295.

**AN ACT** to aid in the construction of certain bridges in the county of Kent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That three thousand acres of internal improvement lands in the lower peninsula be and the same is hereby appropriated to aid in the construction and repairs of bridges in the county of Kent. Appropriat'n.

Sec. 2. Of the lands specified in the above section there shall be applied one thousand acres to aid in the construction of a bridge across Grand River in the township of Plainfield; one thousand acres to aid in finishing the bridge across Grand River in the township of Ada, and four hundred acres for repairing the bridge across the Thornapple river near its mouth in township of Ada, and six hundred acres to aid in the construction of a bridge across the Thornapple river on the Cascade road, so called, in said township. How distrib-  
uted.

Sec. 3. For the purpose of building and repairing the said bridges by the outlay of the above appropriations, the Governor is hereby authorized to appoint a special commissioner, who shall take and subscribe the constitutional oath of office, and shall file a bond with sufficient sureties, to be approved by the Auditor General, conditioned for the faithful discharge of his duties as such commissioner. Spec'l com'r.

Sec. 4. The said special commissioner shall by virtue of his appointment have the control and management of the improvements contemplated by this act, and shall have power to let out by contract the working and improvement of said bridges to the lowest bidder, who shall execute and deliver to said commissioner a good and sufficient bond Powers and  
duties of  
com'r.

with sureties to be approved by him and conditioned for the faithful performance of the work stipulated in said contract: *Provided, That* before such letting of work the said commissioner shall advertise for proposals for opening and improving said bridges in separate sections or jobs, describing the same; such advertisement to be published at least four successive weeks in a newspaper published in Kent county.

Payment of  
contractors  
& others.

Sec. 5. Whenever any contractor, under the preceding section of this act shall have finished his job according to the terms and specifications of his contract, and the same shall have been accepted by said special commissioner, or any service shall have been rendered under the provisions of this act, it shall be the duty of said special commissioner to pay said contractor or contractors for any such services or work, by his order drawn on the Commissioner of the State Land Office, and which order shall be received at the land office in payment for any lands belonging to the state not otherwise appropriated: *Provided, That* nothing herein contained shall authorize the Commissioner of the State Land Office to sell any of said lands at a price less than that now established by law, or in a less quantity in any one certificate than forty acres.

Compensation  
of com'r, his  
accounts &c.

Sec. 6. Said commissioner shall proceed in the outlay of the appropriation made by this act with all the diligence and dispatch that shall be compatible with proper economy and the best interest of the state; and shall receive for his services a sum not exceeding two dollars per day for the time necessarily employed by him in the discharge of the duties devolved upon him by virtue of this act, payable pro rata from said appropriation hereinbefore made; and shall render to the Auditor General an account of all services by him thus rendered, verified by his oath.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 3, 1848.

# RESOLUTIONS.

## No. 1.

### JOINT RESOLUTION relative to Postage.

*Resolved, By the Senate and House of Representatives of the State of Michigan,* That the post master at the capitol of Michigan be, and he is hereby authorized to charge the state of Michigan with all postage upon letters, papers or documents heretofore and hereafter received and to be received by the Senate and officers of the Senate and the House of Representatives and the officers during the present session thereof, and to charge to the state of Michigan the postage upon all papers and documents mailed by the members and officers of each branch of the legislature during the session thereof.

Certain postage of members to be charged to state.

This resolution shall be in force and take effect from and after its passage.

Approved January 13, 1848.

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## No. 2.

### JOINT RESOLUTION relative to an arrangement with the Post Master of Michigan in regard to Postage.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That a committee of one from the Senate and two from the House of Representatives be appointed to make arrangements with the post master in this village in relation to postage of members and officers of the legislature during the present session, and that they report as soon as practicable.

Committee on postage.

Approved January 14, 1848.

## RESOLUTIONS.

## No. 3.

JOINT RESOLUTION directing the Secretary of State to furnish the members of each House, and the officers thereof one copy of the Revised Statutes, &c.

Duties of  
sec of state.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby directed to furnish each member of the Senate and House of Representatives, and the officers of each House, one copy of the Revised Statutes of 1846, Session Laws of 1847, and the Journals and Documents of each House for the year 1847.

Approved January 14, 1848.

## No. 4.

JOINT RESOLUTION relative to printing a Manual for the present Legislature.

Manual ordered  
printed.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That a sufficient number of copies of the Legislative Manual be ordered printed for the use of the Legislature, embracing the same kind of information as those in use during the last session of the Legislature, together with a Register for the present session; and that an extra number be printed, sufficient for the supply of one copy to each member of the next Legislature, and that such extra copies be deposited in the office of the Secretary of State.

Approved January 14, 1848.

## No. 5.

JOINT RESOLUTION relative to a settlement of the claim of Henry B. Lathrop.

Settlement  
of certain  
claim.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and directed to make a just and equitable settlement of all claims existing between the State and Henry B. Lathrop, growing out of a transaction at the State Prison at Jackson, and certify their proceedings to the Auditor General; and if the Board make an award in favor of said Lathrop, the Auditor General shall draw his warrant

## RESOLUTIONS.

upon the Treasurer, who shall pay the sum awarded out of any moneys in the Treasury not otherwise appropriated : *Provided*, Before the Board shall enter upon said examination or settlement, the said Henry B. Lathrop shall give to the State a good and sufficient bond secured to the satisfaction of said Board, that he, the said Lathrop, will abide by the determination and award of said Board, and in case they make an award against him, that he will pay the same or cause the same to be paid within ninety days after said Board have certified their proceedings to the Auditor General : *And provided also*, That all costs which have accrued upon any suits at law now pending and undetermined between the said Lathrop and the State in relation to the transactions aforesaid, shall be paid by the State, if the award of the said Board is in favor of said Lathrop ; and in case said award is against said Lathrop, the said costs shall be paid by him.

Sec. 2. This resolution shall take effect and be in force from and after its passage.

Approved January 14, 1848.

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### No. 6.

**JOINT RESOLUTION** relative to a Carpet for the State Library.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be, and he is hereby authorized to purchase a suitable carpet for the state library.

Approved January 18, 1848.

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### No. 7.

**JOINT RESOLUTION** relative to the Printing of the Journals.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the "joint resolution in relation to printing, approved January 16, 1843," be and the same are (is) hereby amended by striking out therefrom all after the word "houses" in the fourth line, down to and including the word "thereof," in the ninth line. Joint resolution amended.

*Resolved*, That this joint resolution shall take effect from and after its passage.

Approved January 24, 1848.

## RESOLUTIONS.

No. 8.

**JOINT RESOLUTION** relative to the permanent enrollment of the 1st Regiment of Michigan Volunteers into the service of the United States, under any act of Congress now in force or which may become a law during the present session of Congress.

Preamble.

*Whereas*, The President of the United States, in and by virtue of a certain act of Congress, made a requisition upon the Executive of this state for the enrollment of a regiment of volunteer infantry, of ten companies, to assist in prosecuting the existing war with Mexico ;

*And whereas*, The Executive, as commander-in-chief of the militia, and of the army and navy of this state, on the 18th day of October last, issued his general orders for the enlistment and enrollment of said regiment ;

*And whereas*, The officers of the said regiment and of the several companies having been appointed, commissioned and mustered, as well as the rank and file thereof into the service of the United States, and six companies being now en-route for the seat of war for the purposes aforesaid ; therefore, be it

Instruction  
and request.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That our Senators in the Congress of the United States be instructed, and our Representatives requested to use their influence with the President of the United States, for the purpose of having the 1st regiment of Michigan volunteers permanently enrolled and mustered into the service of the United States, under and by virtue of any act of Congress now in force, or which may become a law during the present session of Congress.

*Resolved further*, That the Secretary of State be requested to forward copies of this resolution to our Senators and Representatives in Congress, to the President of the United States and Secretary of War.

Approved January 25, 1848.

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No. 9.

**JOINT RESOLUTION** relative to a settlement of the Claims of Benjamin Porter.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the claim of Benjamin Porter against the state

## RESOLUTIONS.

341

of Michigan for building the capitol, and all other claims of said Porter against the state be, and the same are hereby referred to the board of state auditors, who are authorized to examine into and make a final settlement of said claims upon just and equitable grounds, that is, if said board shall determine that there is due from the state to said Porter any sum or sums of money on said claims, the board shall certify the same to the Auditor General, who shall thereupon draw a warrant upon the State Treasurer for the amount certified, who is hereby authorized and directed to pay the same out of any moneys in the treasury not otherwise appropriated: *Provided*, Before the said board shall proceed to examine the claims of said Porter, he shall signify his assent to the action of the board in writing, signed by him, and shall also enter into a bond with two or more sufficient sureties, to be approved by the Attorney General, in the sum of five thousand dollars, conditioned that he, the said Porter, and his heirs will forever abide by the determination and award of the board of state auditors in the premises.

Claim referred to board of auditors.

*Resolved*, That it shall be the duty of the Attorney General to attend before the said board upon the hearing of said claim in behalf of the state.

*Resolved*, That these resolutions be in force from and after their passage.

Approved January 28. 1848.

### No. 10.

JOINT RESOLUTION relative to furnishing certain Township officers with copies of laws.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State be and he is hereby instructed to procure to be printed in pamphlet form, so much of the revised statutes and session laws as has reference to the duties of highway commissioners and overseers of highways. Also, in such form so much of said laws as has reference to the duties of school inspectors and school district officers, and forward to each of the county clerks a sufficient number of copies of each to supply each of said officers with one copy of the laws by which they are to be governed.

Duty of sec. of state.

*Resolved*, That this joint resolution take effect from and after its passage.

Approved January 29, 1848.

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No. 11.

JOINT RESOLUTION relative to a joint committee on the State Prison.

Committee  
to examine  
prison and  
report.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the committee on the State Prison of the Senate, and the like committee of the House of Representatives, be a joint committee to examine into and report upon the recommendations made in the report of the inspectors and agent, and to visit, or cause to be visited, by one or more, not exceeding three of their number, the State Prison at Jackson, if they shall deem it necessary, and that they report with all convenient dispatch. That said committee shall be allowed their traveling expenses only, and that no other expenses shall be incurred.

This resolution shall take effect from and after its passage.

Approved February 3, 1848.

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No. 12.

JOINT RESOLUTION relative to the Public Works of the State of Michigan.

Request.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That our Senators and Representatives in Congress be and they are hereby requested to endeavor to obtain from the general government a grant of alternate sections of land on the line of our unsold public works to aid in their construction, upon the basis of a bill that has heretofore passed the Senate of the United States.

*Resolved*, That the Governor of this state be and he hereby is requested to transmit a copy of said resolution to each of the Senators and Representatives in Congress from this state.

Sec. 2. This joint resolution shall take effect and be in force from and after its passage.

Approved February 3, 1848.



## No. 13.

**JOINT RESOLUTION** to authorize the Board of State Auditors to settle certain claims.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to audit and allow such sum or sums as shall be found justly due Samuel G. Sutherland and others, for expenses in removing the furniture of the Capitol and Library from Detroit to Michigan, and for all incidental expenses in fitting up cases for Library, making carpet, fitting up the Hall of the House and Senate Chamber, purchase of candles and other articles for the legislature, and after deducting the amount of any former appropriation for the above object certify the balance so found to be due, to the Auditor General, who shall draw his warrant for the same on the State Treasurer, payable out of the general fund. Claims referred.

*Resolved,* That this joint resolution shall take effect and be in force from and after its passage.

Approved February 5, 1848.

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No. 14.

**JOINT RESOLUTION** relative to the settlement of a claim of Alexander Titchworth.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and required to make a settlement with Alexander Titchworth, on just and equitable terms, for any transactions between the said Alexander Titchworth and the State of Michigan, connected with the Central Rail Road, and in case they shall find any sum of money due to the said Alexander Titchworth, the Auditor General shall draw his warrant for the amount so awarded on the State Treasurer, who is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund not otherwise appropriated. Claims referred—how paid.

*Resolved,* That this joint resolution shall take effect and be in force from and after its passage.

Approved February 7, 1848.

## RESOLUTIONS.

No. 15.

JOINT RESOLUTION relative to the distribution of the Laws.

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he hereby is authorized and required to send or cause to be sent to the clerk of each and every organized township in the State of Michigan, a copy of the State Paper during such portion of each year as the laws of this State are published therein.*

Approved February 7, 1848.

No. 16.

JOINT RESOLUTION relative to the establishing of a Mail Route. from Detroit to Michigan.

Preamble.

*Whereas, The Grand River road, so called, leading from Detroit to Michigan via. Farmington, Brighton and Howell, is the shortest and most direct route from Detroit to the capitol of the state ;*

*And whereas, A daily line of stages has been established on said route, and is now in successful operation ;*

*And whereas, There is no way for the intermediate points between Detroit and Michigan to communicate with the seat of Government, except by sending first to Detroit and thence around by Jackson, thus causing great delay ; therefore*

Importance  
of daily mail  
route from  
Detroit to  
Michigan.

*Resolved, by the Senate and House of Representatives of the State of Michigan, That we deem it to be of the utmost importance to the inhabitants of the counties of Oakland, Livingston, Ingham and vicinity, that a daily mail route be established on said road ; and further, that in our opinion the extra expenses of the post office department would at once be met by the increase of business growing out of the establishment of said mail route.*

*Resolved, That our Senators and Representatives in Congress be, and they are hereby requested to use all laudable means to procure the establishment of said route.*

*This resolution shall take effect and be in force from and after its passage.*

Approved February 8, 1848.

## No. 17.

**JOINT RESOLUTION** authorizing the delivery of certain public documents to the county clerks of the several counties in this State.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and he is hereby directed to deliver to the county clerks of the several counties of this State, upon proper application for the same, such copies of the American State papers on public lands, as have been furnished by the General Government for that purpose.

Sec. of state  
to distribute  
state papers.

Approved February 8, 1848.

## No. 18.

**JOINT RESOLUTION** relative to the subdivision of section number sixteen in township eight south, of range fourteen west.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office, be and he is hereby authorized (if in his opinion the primary school fund will not be injured thereby,) to subdivide and set off all that part of the west half of the south-west quarter of section number sixteen in township eight south, of range fourteen west, lying south of the Chicago road, so called, containing twenty-six acres and seventy-five hundredths of an acre, and grant a new contract for the same to John Worst: *Provided*, that said John Worst shall first pay to the said commissioner the full amount due on said piece of land so set off, according to the provisions of a contract made with Noah Hatch on the twenty-sixth day of September, eighteen hundred and forty-three: *Provided, also*, the said Noah Hatch shall first surrender to the Commissioner of the Land Office, the certificate or contract heretofore issued or granted to him by the Commissioner of the Land Office, on the twenty-sixth day of September, eighteen hundred and forty-three, and shall pay to said Commissioner the full amount due on said contract for the balance of said west half of south-west quarter of section sixteen above described, and receive a new contract therefor according to law: *And provided further*, That said lands have not become forfeited by the operation of the existing laws of this State.

Duties of  
com'r state  
land office.

Approved February 11, 1848.

## RESOLUTIONS.

## No. 19.

## JOINT RESOLUTION relative to the compilation of the School Laws.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That so much of the joint resolution relative to furnishing certain township officers with copies of laws, approved January 29th, 1848, as relates to the compilation, printing and distribution of the laws having reference to the duties of school inspectors and school districts, be and the same is hereby rescinded.

*Resolved,* That this joint resolution take effect from and after its passage.

Approved February 24, 1848.

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No. 20.

JOINT RESOLUTION relative to the Government of the United States refunding to the State of Michigan any and all sums of money expended by this state in fitting out the first Regiment of Michigan Volunteer Infantry, in pursuance of a requisition made by the War Department upon the Executive of this state.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to procure the passage of a law by the Congress of the United States authorizing and directing the Secretary of War to cause to be reimbursed and paid to the state of Michigan such amount as the Paymaster General of the United States Army and the accounting officers of the Treasury shall ascertain and certify to be due to the state of Michigan in fitting out the first regiment of Michigan volunteer infantry in pursuance of a requisition made by the War Department upon the Executive of this state, and who have been regularly received and mustered into the service of the United States, according to the laws and regulations which have governed in the payment of the volunteers and militia of other states,

Approved February 25, 1848.

## No. 21.

**JOINT RESOLUTION** requiring a report from the trustees of the Michigan Central College.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the trustees of the Michigan Central College be and they are hereby required to report to this legislature at its present session the condition of the finances of said institution in accordance with the fifth section of the act to incorporate the Michigan Central College at Spring Arbor, approved March 19, 1845.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 28, 1848.

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## No. 22.

**JOINT RESOLUTION** relative to a donation of lands by the general government for the erection of State Asylums for the Insane, Blind, Deaf and Dumb.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That our Senators in Congress be directed and our Representatives requested to use their efforts in procuring the passage of a law granting to this state sufficient government lands for the erection of a state asylum for the insane and also an asylum for the deaf, dumb and blind.

*Resolved further,* That the Governor be requested to transmit to our Senators and Representatives in Congress a copy of the foregoing resolution.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 29, 1848.

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## No. 23.

**JOINT RESOLUTION** relative to the sale of the Salt Spring Lands lying east of the principal meridian.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That all salt spring lands lying east of the principal

meridian, now unsold and belonging to this State shall, from and after the adoption of this resolution, be liable to be sold at the offices of the Auditor General and State Treasurer in Michigan, at the capitol, in the same manner and under the same restrictions as they were formerly by act number ninety of the session laws of eighteen hundred and forty-five.

*Resolved, further,* That the Commissioner of the State Land Office be authorized and required whenever application shall be made to him for the purchase of any of said salt spring lands, to dispose of the same according to the provisions of the statutes applicable thereto.

This joint resolution shall take effect and be in force from and after its passage.

Approved February 29, 1848.

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No. 24.

**JOINT RESOLUTION** for the construction of a road from some eligible point on Green Bay, Lake Michigan, to Keewawenon Bay, Lake Superior.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be requested to use their efforts in procuring an appropriation from the general government for the construction of a military road from some eligible point on Green Bay, Lake Michigan, to Keewawenon Bay, Lake Superior.

*Resolved,* That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

Approved March 3, 1848.

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No. 25.

**JOINT RESOLUTION** relative to a settlement of the claim of James Watkins.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and empowered to make a final settlement with James

## RESOLUTIONS.

249

Watkins on just and equitable terms for any claim he may have against the state for services rendered as weighmaster and assistant weighmaster of the depot of the Central Rail Road in the city of Detroit, from April in the year eighteen hundred and forty to and up to the first day of January in the year eighteen hundred and forty-five, and if they shall find any amount due said claimant from the state they are hereby authorized to certify the amount that shall be found so due him to the Auditor General, who shall draw his warrant on the general fund for the amount so certified to be due him, and the State Treasurer is hereby authorized to pay said sum out of any moneys in the general fund not otherwise appropriated.

Settlement  
of certain  
claim.

This resolution shall take effect and be in force from and after its passage.

Approved March 7, 1848.

### No. 26.

JOINT RESOLUTION in relation to the claim of John L. Smith,  
Hosea B. Richardson and Samuel Richardson.

*Whereas*, The board of internal improvement did on the 12th day of April, A. D. 1847, audit the claim of, and allow to John L. Smith, Hosea B. Richardson and Samuel Richardson, the sum of five hundred dollars for injury done their water privilege and land, by the erection of a dam upon Paint Creek, for the purpose of a feeder to the Clinton and Kalamazoo Canal, as appears by papers on file in the office of said board of internal improvement.

Preamble.

*Therefore, Be it resolved by the Senate and House of Representatives of the State of Michigan*, That the Auditor General be and he is hereby required to draw his warrant upon the internal improvement fund in favor of the said John L. Smith, Hosea B. Richardson and Samuel Richardson, for the sum of five hundred dollars upon the presentation of a certificate of the register of deeds for Oakland county that the premises are free from incumbrance, and the execution of a deed from said Smith and Richardsons, granting to the board of internal improvement, for the use of the people of the state, the right and privilege of raising the waters in Paint Creek by means of a dam, where the dam now is, below the mill of said Smith and Richardsons,

## RESOLUTIONS.

in Richardsons' and Adams' addition to the village of Rochester in the county of Oakland, high enough to turn the whole of the waters of said Paint Creek into the feeder to the Clinton and Kalama zoo Canal, so that the same may be freely used for the said canal, and the Treasurer is hereby authorized and required to pay said warrant out of any money in the internal improvement fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 9, 1848.

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No. 27.

**JOINT RESOLUTION** relative to obtaining from the Congress of the United States to, and for the use of St. Marie's Canal Company the right of way of constructing a Canal at the Sault St. Marie over and upon lands now held by the General Government as a Military Reserve.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That our Senators and Representatives in Congress be and they are hereby requested to urge the immediate passage of a law of Congress, ceding to the St. Marie Canal Company the right of way over and upon the military reserve, or any lands belonging to the United States, upon such terms as shall be just and reasonable.

Approved March 9, 1848.

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No. 28.

**JOINT RESOLUTION** relative to the claim of Charles W. Chapel and David M. Price, for damages against the State of Michigan.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby directed and empowered at any time to examine into and settle and determine any and all claims which Charles W. Chapel and David M. Price now have or may hereafter have against the state of Michigan, arising from or growing out of a lease, entered into on the eighteenth day of November, eighteen hundred and forty-five, by and between

Settlement  
of certain  
claims.



Oliver C. Comstock, Junior, then acting commissioner of internal improvement, under and by virtue of the second section of "an act to provide for the completion of that portion of the Clinton and Kalamazoo Canal between the villages of Rochester and Frederick," approved March 1st, 1843, and the said Charles W. Chapel and David M. Price for the use of certain surplus water of the said canal. That whenever the said board shall have examined and determined any such claim, if the said board shall find any sum due the said Chapel and Price, such sum shall be certified by the said board to the Auditor General, who is hereby directed to draw his warrant upon the Treasurer of the state for the same, who shall pay the same out of any moneys in the treasury belonging to the internal improvement fund not otherwise appropriated, and the said board are hereby invested with full and adequate powers to adjust and finally settle and determine the said claim and all other questions and claims growing out of said lease in any such way as shall in their opinion do justice to the above, or any other claimants, and be the cheapest and best for the interest of the state.

*Resolved.* That this resolution shall take effect from and after its passage.

Approved March 11, 1848.

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No. 29.

JOINT RESOLUTION for the relief of William W. Harwood.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be, and he is hereby authorized in his discretion, to issue and deliver to William W. Harwood an internal improvement warrant for thirty dollars, the same to be in lieu of one for that amount issued to said Harwood the 27th April, 1847, which has been stolen and is believed to be destroyed.

This resolution shall take effect and be in force from and after its passage.

Approved March 14, 1848.

## RESOLUTIONS.

No. 80.

JOINT RESOLUTION authorizing a settlement with Nelson H. Bennit and Elijah Bennit.

Claim referred—how paid.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and empowered to make a final settlement upon just and equitable terms with Nelson H. Bennit and Elijah Bennit for certain lands deeded by them to the state in the year A. D. eighteen hundred and forty-six, for the use of the Southern rail road; and in case they shall award any sum to said N. H. and E. Bennit, said board are hereby authorized and required to certify the amount found to be due said Nelson H. Bennit and Elijah Bennit to the Auditor General, who shall draw his warrant on the internal improvement fund in favor of said N. H. and E. Bennit, for the amount so found due, and the State Treasurer is hereby authorized to pay said warrant out of any money in the internal improvement fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 14, 1848.

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No. 31.

JOINT RESOLUTION relative to an adjustment of the Claim of Diodate Hubbard.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the county of Wayne be and he is hereby authorized and required to examine and adjust the claim of Diodate Hubbard against the Detroit and Saginaw road, and to certify the amount, if any, which may be found to be due said Hubbard, to the superintendent of said road; and upon the receipt of said certificate, the superintendent be, and he is hereby authorized and required to pay the same out of any money now in his hands or which may hereafter come into his hands as tolls on said road.

This joint resolution shall take effect and be in force from and after its passage.

Approved March 17, 1848.

## No. 32.

**JOINT RESOLUTION** authorizing the appointment of an Assistant Librarian.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Secretary of State be and is hereby authorized and required to appoint an Assistant Librarian, for whose acts he shall be responsible, and whose appointment he may revoke at pleasure ; such Assistant shall be under the direction and control of the Secretary of State, have the care and custody of the State Library, and shall perform such other duties in the office of said Secretary as that officer may from time to time deem necessary and proper. Said Assistant shall receive an annual salary of not more than five hundred dollars, payable quarterly on the certificate of the Secretary of State.

*Resolved,* That this joint resolution shall take effect and be in force from and after the close of the present session of the legislature.

Approved March 18, 1848.

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No. 33.

**JOINT RESOLUTION** relative to the settlement of a Claim of Patrick Kilfoil.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the board of state auditors be, and they are hereby authorized and required to make a settlement with Patrick Kilfoil on just and legal terms, and their decision thereon shall be final, for any claim that he may have against the state for damages arising out of a non-fulfilment of contract on the part of the state, to pay him the full amount due for work and labor done, and materials furnished on the central railroad during the years A. D. 1839, 1840 and 1841 ; and if said board shall find any amount due said Kilfoil, they are hereby authorized to certify the amount that may be found due, to the Auditor General, who shall draw his warrant on the State Treasurer for the amount so certified to be due, and the State Treasurer is hereby authorized to pay said sum out of any moneys in the treasury to the credit of the internal improvement fund not otherwise appropriated.

This joint resolution shall be in force from and after its passage.

Approved March 20, 1848.

## RESOLUTIONS.

No. 34.

JOINT RESOLUTION relative to the claim of Joseph L. F. Langley.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and required to make a settlement on just and equitable terms, and their decision thereon shall be final, with Joseph L. F. Langley, for any claim he may have against the state for additional pay for services rendered as assistant weighmaster in the warehouse at the depot of the Central Rail Road in the city of Detroit, in the year eighteen hundred and forty-five, and in case they shall award any sum due the said claimant, they are hereby authorized and required to certify the amount found due him to the Auditor General, who is hereby directed and required to draw his warrant on the State Treasurer for the amount so awarded and certified, who is hereby authorized to pay said sum out of any moneys in the treasury, not otherwise appropriated.

*Resolved,* This joint resolution shall take effect and be in force from and after its passage.

Approved March 20, 1848.

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No. 35.

JOINT RESOLUTION concerning the Saut de Ste. Marie.

*Preamble.*

*Whereas,* At a very great expense the state of Michigan has caused a scientific and geological survey and exploration to be made of that portion of said state which borders upon Lake Superior ;

*And whereas,* Said geographical survey, &c., especially so much of it as was conducted under the immediate supervision of the late Doct. Douglass Houghton, has demonstrated that those hitherto desolate regions contain, nevertheless, an immense and apparently immeasurably amount of mineral wealth, inviting immediate purchase, occupancy and improvement ;

*And whereas,* With the exception of a few small lots of ground at the Saut de Ste. Marie, (which from the first discovery of that great lake by Europeans, have been occupied by certain French settlers

and their descendants, or those who claim through and under them,) that whole country consists exclusively of public domain ;

*And whereas,* The rich mineral productions alluded to, the vast forests of valuable timber which surround that inland sea, and the exhaustless products of its fisheries, together with the long established fur trade of the boundless interior, which heretofore has passed from the direction of the Lake of the Woods, then the avenue of the great Lake, promise to constitute the elements of a future commerce, not only of inappreciable importance to Michigan, but from its extent and magnitude, of deep interest to the whole Union ;

*And whereas,* It is the opinion of this legislature, that if reasonable facilities were furnished for rendering these great natural advantages more fully available, the public lands bordering upon Lake Superior, would soon sell and become the residence of a numerous, intelligent and enterprising population ; and that if no unnecessary obstacles were permitted any longer to prevent it, an important commercial city, so necessary, even now, for the transaction and protection of that commerce, would soon grow up at the Saut de Ste. Marie and within the limits of Michigan ;

*And whereas,* During the negotiations which led to the treaty of Greenville, and before as well as after the western ports were delivered over to the United States, the Canadian settlers and occupants of the country, (those of the Saut de Ste Marie inclusive,) were assured by the accredited agents of the general government that their lands would be duly confirmed to them. [See Burnet's notes, &c., also Am. St. Papers, vol. 16, p. 260.] ;

*And whereas,* To that end, commissioners of the United States, both before and after the late war with Great Britain, have duly investigated such of the claims as were exhibited to them by the inhabitants of the Saut de Ste Marie, and confirmed or recommended for confirmation the greater part of them ; (see Am. St. Papers, Duff Green's edition, vol. 4, pages 700 and 701 ;) but for the more perfect establishment whereof, Congress have not authorized the granting of patents, wherefore no title nor assurance of title to any lots or real estate could be obtained, nor any investments be safely made in building, nor in any permanent improvement whatsoever ; at the outlet of the Lake on the American shore of the Straits, is the natural and only proper point

of concentration and deposit for all the commerce of those regions; yet, for the reasons stated, the growth of the place, as a place of residence and as a commercial city, totally checked and frustrated, the commerce of the country greatly embarrassed, and all motives for purchasing the public lands, wheresoever around that Lake they may be, are greatly lessened, which, in the mean time, much of the indispensable business of the country is slowly forcing its way on to the British shore, where the people and authorities of Canada, more vigilant though less favorably located, and fully appreciating the value of the prize, seem striving, by every practical inducement to secure to themselves, both now and hereafter, the control of this rapidly increasing commerce, and all the advantages and wealth of which it will be productive;

*And whereas,* In the opinion of this legislature, good faith toward the ancient settlers of the Saut de Ste Marie, (whose claims there in the aggregate comprise but a few hundred acres of land only,) true economy in the management and disposition of the public domain, but especially a just and fair policy in regard to this state, whose interest and prosperity, present and prospective, in this regard, are so deeply implicated, all indicate the expediency of the early and efficient action of Congress in the premises; therefore,

Instruction  
and request.

*Be it resolved, by the Senate and House of Representatives of the State of Michigan,* That this legislature hereby respectfully presents to the consideration of Congress the propriety of adopting immediate measures for quieting the titles of the settlers at the Saut de Ste Marie of the state of Michigan, especially of those whose claims have heretofore been favorably reported upon by commissioners of the United States, and for causing patents to issue therefor; and with respect to so much of this ancient settlement as may not, in the opinion of Congress, be comprised within the limits of any such just and equitable claim, and as may not have been otherwise appropriated; and with respect, also, to so much of the public domain as may be in the vicinity of the settlement, or along the straits of the Saut de Ste Marie, it is respectfully requested that the same be brought into market or otherwise disposed of at the earliest practicable time, in order that this portion at least of the public domain may be possessed by individual proprietors, and settled; in order that the wants of commerce in this re-

gard at least, may be no longer withholden ; in order that citizens of this state may be enabled with safety to construct for themselves the residences for their protection and comfort, and such stores, warehouses and other structures as the business of those regions so loudly demands; and finally in order that the general prosperity be no longer interrupted by a condition of things which withholds and inhibits the settlement and growth of one of the most important military and commercial points in the whole northwest.

*And be it further resolved,* That the Governor be requested to transmit a copy of this preamble and resolution to the Hon. the President of the Senate of the United States ; one copy thereof to the Hon. the Speaker of the House of Representatives of the United States, and that these officers be respectfully requested to lay the same before the Houses over which they respectively preside ; and that in like manner he be requested to transmit one copy to each of the Senators and Representatives in Congress from this state, who are respectfully requested, by all proper and appropriate means, to aid in the accomplishment of the objects herein indicated.

Gov. requested to transmit copy of preamble & resolution.

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No. 36.

**JOINT RESOLUTION** relative to costs before the Board of State Auditors.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That in the investigation of claims heretofore referred or hereafter to be referred to the Board of State Auditors, all proper and reasonable costs incurred on the part of the State for fees to witnesses in procuring their attendance before the Board, or in taking their depositions, shall be audited and allowed by said Board, who shall certify to the Auditor General the amount allowed, if any, in the examination of each claim, specifying in said certificate the persons to whom such allowances are made, and the sum allowed to each person, for which the Auditor General shall draw his warrant upon the treasury.

*Resolved,* That the above resolution shall take effect from its passage.

Approved March 27, 1848.

## RESOLUTIONS.

## No. 37.

**JOINT RESOLUTION** proposing an Amendment to the Constitution relative to certain Public Officers.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the following amendment be, and the same is hereby proposed to be made to the constitution of this state, to wit: The legislature of this state for the year eighteen hundred and fifty shall provide by law for the election by the people of the following officers, viz: Judges of the supreme court, who shall be ineligible to any other than a judicial office during the term for which they are elected, and for one year thereafter, Auditor General, State Treasurer, Secretary of State, Attorney General, Superintendent of Public Instruction and Prosecuting Attorneys; and the said judges are prohibited from receiving any fees of office or other compensation than their salaries for any civil duties performed by them; *And it is further hereby resolved,* That the above proposed amendment to the constitution be referred to the next legislature, and to that end the Secretary of State is hereby required to cause the same to be published for three months previous to the next general election for members of the legislature.

Approved March 27, 1848.

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No. 38.

**JOINT RESOLUTION** relative to the claim of the Attorney General.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to examine and settle the claim of the Attorney General, under the third section of the act entitled "an act to amend the revised statutes of eighteen hundred and forty six," approved March 17, 1847; that said board shall certify to the Auditor General the amount, if any, found justly due upon such examination, and that the Auditor General shall draw his warrant upon the treasury in favor of the Attorney General, for the amount so certified to him: *Provided,* That the allowance to the Attorney General, including the salary allowed him by law, shall not exceed the rate of eight hundred dollars per annum.



*Resolved*, That the above resolution shall take effect from and after its passage.

Approved March 29, 1848.

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No. 39.

JOINT RESOLUTION relative to the claim of John Keane.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors be and they are hereby authorized to settle the claim of John Keane for a horse lost in the service of the State while removing the library and furniture from Detroit to the town of Michigan, in December, 1847. And if upon examination of such claim they find any sum to be legally or justly due to said Keane on account of the loss of said horse as aforesaid, they shall certify the same to the Auditor General, who shall draw his warrant for the same on the State Treasurer, payable out of the general fund.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 40.

JOINT RESOLUTION relative to the claim of Charles L. Bird and Joseph A. Kent.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That the Board of State Auditors be and they are hereby authorized and required to make a final settlement with Charles L. Bird and Joseph A. Kent, on just and legal terms, for any damages they may have sustained by reason of a certain suit brought against them while in the service of the state on the Central Rail Road, and in case said Board shall allow any sum to said Bird and Kent, the Auditor General shall draw his warrant for said sum on the internal improvement fund, and the State Treasurer is hereby authorized and required to pay said warrant out of any money in the internal improvement fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1844.

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No. 41.

JOINT RESOLUTION in relation to certain lots in the town of Michigan.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Commissioner of the State Land Office be, and he is hereby authorized and required to receive and accept on behalf of the state a certain warrantee deed, executed to the state of Michigan by William H. Townsend and Sarah A. Townsend, bearing date the seventeenth day of December, A. D. eighteen hundred and forty-seven, conveying certain lots in the town of Michigan, which said conveyance is offered to the state in fulfilment of the condition of a certain bond in the penal sum of ten thousand dollars, executed to the state of Michigan by William H., Robert and Isaac Townsend, bearing date the twenty-ninth day of April, A. D. eighteen hundred and forty-seven. And that said Commissioner be, and he is further authorized and required to deliver to said William H., Robert and Isaac Townsend, or their agent, the said bond to be cancelled. And that said Commissioner be and he is further authorized and required to procure the recording of the said deed forthwith in the office of the register of deeds of the county of Ingham: *Provided*, the said Commissioner shall not accept said deed or deliver said bond aforesaid, unless the title to the said lots conveyed by said deed shall be found by said Commissioner to be the said William H. Townsend of record at the time of the passage of this resolution.

*Resolved*, That the said Commissioner be and he is hereby authorized on behalf of the state to re-lease to William H. Townsend or his assignees the right to flow the whole or any portion of blocks numbers one hundred and ninety-four, two hundred and sixteen and two hundred and twenty-five, in the town of Michigan, upon such terms and for such compensation as to said Commissioner may seem just and equitable.

Com'r of  
land office  
authorized  
to receive  
certain war-  
rant.

Com'r autho-  
rized to re-  
lease certain  
lands.

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 42.

JOINT RESOLUTION authorizing a special meeting of the Board of Auditors.

*Be it resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors, constituted for the investigation of claims growing out of the sale of university and other lands, be and they are hereby authorized and requested to hold a special session at the office of the Commissioner of the State Land Office in the village of Marshall, on the twentieth day of April next, for the hearing of all such claims as may be presented, at that time and place, and to determine upon the same as provided in a joint resolution approved March 5th, 1847.*

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 43.

JOINT RESOLUTION relative to certain lands.

*Resolved, by the Senate and House of Representatives of the State of Michigan, That the lands which shall be received from William H. Townsend in fulfillment of a certain bond given by the said William H. Townsend, Isaac Townsend and Robert Townsend, bearing date April 29, 1847, and also the blocks numbered 99, 100, 101, 110, 111 and 112, in the town of Michigan, agreeably to the recorded plat of said town, shall be designated State Building Lands, and shall be disposed of agreeably to the provisions of the laws regulating the sale and disposition of the State Building Lands.*

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

## RESOLUTIONS.

No. 44.

JOINT RESOLUTION relative to the claim of Whitney Jones.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and required to make a just and equitable settlement with Whitney Jones, which shall be final, for timber cut on his land by James L. Glen, commissioner of the state buildings for the use of the state, and in case they shall find any sum due said Jones, said board shall certify the same to the Auditor General, who is hereby authorized and required to draw his warrant on the State Treasurer for the sum so found due, and the State Treasurer is hereby required to pay said warrant out of any money in the general fund not otherwise appropriated.

*Resolved,* That this joint resolution shall take effect and be in force from and after its passage.

Approved April 8, 1848.

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No. 45.

JOINT RESOLUTION relative to the Detroit and Pontiac Rail Road.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Attorney General be and he hereby is authorized and required, by and under the direction, and by and with the advice and consent of the Governor, Auditor General and State Treasurer, or a majority of them, to receive and act upon proposals to be submitted by Alfred Williams and any person associated with him, for the final adjustment of the claim of the state against the Detroit and Pontiac Rail Road, and upon receiving, within six months from the passage of this joint resolution, such sum of money as they shall deem for the said interests of the state, and upon the payment of the same into the state treasury, the said Attorney General is hereby authorized, under the direction of the Governor, to execute an assignment or release of the mortgage lien of the state upon said rail road, and deliver the same to the said Alfred Williams and his associates, and thereupon to discontinue all further proceedings at law or in equity for the enforce-

ment of said mortgage lien: *Provided*, That nothing in this joint resolution contained shall be construed as in any way impairing the said mortgage lien, or as affecting any proceedings had or pending for the enforcement of said mortgage lien until the same shall be discontinued of record in manner aforesaid.

*Resolved*, That this joint resolution take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 46.

JOINT RESOLUTION relative to Statistical Information of the Insane, Deaf, Dumb and Blind.

*Resolved, by the Senate and House of Representatives of the State of Michigan*, That it shall be the duty of the Assessors of each township and ward in the state at the time of making out their assessment rolls, to ascertain and set down in tables prepared for that purpose, a list of the names of all insane, deaf, dumb and blind persons in said township and ward under separate heading—the patients age, general health, habits and occupation—kind, degree and duration of such affliction—sex, whether married or single—whether under medical treatment—pecuniary ability of patient and relatives liable for his or her support, and such farther information relative to this unfortunate class of our citizens as may be deemed useful—they shall cause said list together with all the facts brought down to the first of October to be delivered to the supervisors of their respective township or wards, whose duty it shall be to cause the same to be delivered to the county clerk at the annual meeting of the board of supervisors, to be laid before them in each year, which board shall carefully condense the facts exhibited and transmit the same to the Secretary of State on or before the first day of November in each year, and the Secretary of State is hereby required to make a report of the same to the next legislature at the commencement of the session.

This resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

## RESOLUTIONS.

No. 47.

JOINT RESOLUTION relative to the claim of Edward G. Adderly.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to examine the claim of Edward G. Adderly, and to allow to said Adderly any sum which shall appear to be justly due to said claimant: *Provided,* The said claimant shall on or before the submission of his claims to said board, make and execute a bond with one or more sureties to the satisfaction of the Attorney General to abide the determination of said board.

*Resolved,* That the Attorney General be and he is hereby requested to appear in behalf of the state before the said Board of Auditors during the investigation of the aforesaid claim.

*Resolved,* That this joint resolution take effect and be in force from and after its passage.

Approved April 3, 1848.

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No. 48.

JOINT RESOLUTION authorizing the Auditor General to draw a certain warrant.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Auditor General be and he is hereby authorized to cancel a certain warrant drawn by E. P. Hastings, Auditor General, dated December 15, 1841, for the sum of fifty-eight and 92-100 dollars, and numbered 3084, payable to the order of John Freeman, assignee of John Monroe, on its delivery to him, and issue a new warrant for a like amount, payable to said John Freeman, assignee of John Monroe, or bearer; said new warrant to be delivered to Marshall Parker, on his producing evidence to the satisfaction of said Auditor General that he is the owner of said warrant, and to bear interest at the rate of six per cent., said interest to be computed from the fourth day of March, A. D. 1842.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

## No 49.

**JOINT RESOLUTION** relative to the distribution of the Session Laws, Journals and Documents.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the officers and members of the present legislature and Assistant Librarian be and they are hereby entitled each, to one copy of the session laws passed in the year eighteen hundred and forty-eight, also the journals and documents of the same year, and the Secretary of State be and he is hereby required to forward one copy of each to the several officers and members of this legislature, by forwarding the same to the county clerks of the several counties of this state in which the officers or members reside, so soon as they may be printed, bound and ready for delivery.

Approved April 3, 1848.

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## No. 50.

**JOINT RESOLUTION** relative to the claim of Joab Page.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized and required to make a just and equitable settlement with Joab Page, for any timber or saw logs cut on his land by the order of the Hon. James L. Glen, commissioner of the state buildings for the use of the state, and in case said board shall find any sum due said Page they shall certify the same to the Auditor General, who shall draw his warrant for the same on the State Treasurer, who is authorized and required to pay said warrant out of any money in the general fund not otherwise appropriated.

This joint resolution shall take effect and be in force from and after its passage.

Approved April 3, 1848.

## RESOLUTIONS.

## No. 51.

**JOINT RESOLUTION** relative to the settlement of the claim of William Mabury.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and are hereby authorized to make a settlement with William Mabury on legal and equitable terms, and their decision thereon shall be final for any claim he may have against the state for services rendered in the building of the State Prison, and if they shall find any amount due said claimant they are hereby authorized to certify the amount they may find due him, to the Auditor General, who is hereby authorized and directed upon the presentation to him of said claimant's certificate to draw his warrant on the State Treasurer for the same.

This joint resolution shall be in force and take effect from and after its passage.

Approved April 3. 1848.

## No. 52.

**JOINT RESOLUTION** relative to the claim of Sheldon Mathews.

*Resolved, by the Senate and House of Representatives of the State of Michigan,* That the Board of State Auditors be and they are hereby authorized to make a final settlement upon equitable or legal terms of the claim of Sheldon Mathews, or with Charles T. Gorham as the party in interest in said claim against the state of Michigan for sawing wood at the Kalamazoo station of the Central Rail Road as per certificate of H. I. Goodale, weighmaster, dated February 17, 1846. And if the said Board shall find any sum justly due from the state on said claim and upon the assignment of the interest of the said Mathews in said claim to Charles T. Gorham being shown to the satisfaction of said Board, they shall certify the amount so found to be due to the said Gorham as such assignee, to the Auditor General, who shall draw his warrant upon the State Treasurer payable out of the general fund. And the State Treasurer is hereby authorized to pay the same out of any money to the credit of the general fund not otherwise appropriated.

This resolution shall take effect from and after its passage.

Approved April 3, 1848.



## RESOLUTIONS.

No. 53.

### JOINT RESOLUTION relative to State Prison Building.

*Resolved, by the Senate and House of Representatives, of the State of Michigan,* That the agent and inspectors of the State Prison be and they are hereby authorized to erect and build, or cause to be erected or built and completed, the centre or main building of said Prison as now commenced : *Provided,* That the amount of money drawn from the State Treasury for the support of said Prison and for the erection of said building shall not exceed the sum of eleven thousand five hundred dollars : *And provided further,* That so much of the above appropriation as may be necessary shall be first applied in constructing or adding cells so as effectually to carry out the provisions of law relative to solitary confinement.

*Resolved,* That the joint resolution relative to building expenses at the State Prison, approved March 16, 1847, be and the same is hereby repealed.

These joint resolutions shall take effect and be in force from and after their passage.

Approved April 3, 1848.



## APPENDIX.

### Annual Report of the State Treasurer.

STATE TREASURER'S OFFICE, }  
Detroit, December 1st, 1847. }

*To the Legislature of the State of Michigan:*

Herewith is submitted statements taken from the books of our office showing the amount paid into the treasury to the credit of the several "funds," and the amount drawn from them during the past fiscal year, ending November 30th, 1847.

The balance on hand at the close of the year is \$64,470,33, of this amount \$4,731,17 is deposited in the Phoenix Bank, New York, to the balance of interest due for 1846 & 1847, on that portion of Michigan state stock, issued on account of the "five million loan," which has been acknowledged and adjusted, leaving a balance of \$59,739,16 remaining on hand.

The Auditor General reports \$2,165,88 of outstanding warrants drawn on the general fund. All demands upon this fund have been promptly paid during the past year, with the single exception of the interest on a portion of the general fund state stock held by one of the departments of the General Government, which was not paid, as the state claims damages for interruption of work on the Saut St. Mary's Canal, by the General Government, which is unadjusted. Attention is called to this subject in the report of the Auditor General.

Public notice was given through the state paper on the 9th day of July last, to the holders of treasury notes, (state scrip,) bearing interest, that funds were on hand for their redemption, on presentation at

the state treasury, and that interest would cease from the date of the notice, in accordance with the provision of "act No. 65, 1841," under which they were issued. There has been cancelled and burnt during the past year, \$23,274.00 of state scrip, leaving a balance of \$1,726 unredeemed and outstanding.

Under the 7th section of the act incorporating the Michigan Central Rail Road Company, they were permitted to deposite in certain cases with the State Treasurer, money which had been adjudicated for "right of way." They have paid into the treasury \$1,699.02, for which they hold my receipt as State Treasurer. This amount is not charged to this office on the books of the Auditor General, neither are the receipts countersigned by that officer, as is done in every other case of moneys received into the treasury, and which has always been by our laws deemed so essential as a proper check upon the receiving officer, as there is no law authorizing or requiring him to do so. As a portion of this money may remain for many years in the treasury unclaimed, on account of minor heirs or defective or disputed title, I would respectfully suggest that provision by law be made for its safe keeping and proper disposal.

Heretofore the interest due semi-annually on the 1st day of January and July on the "university state stock" was paid in May for the whole year. The university fund not being prepared to meet the January interest when it became due, as its annual collections of interest were not made and paid into the treasury until March and April following, by anticipating, (which I shall do,) the amount payable on the 1st of February from the Michigan Central and Southern Rail Road Companies, as a specific state tax, a portion of which is set apart for this purpose by law, an amount sufficient will be sent forward in time to pay the interest on this stock due January 1st, 1848.

GEO. B. COOPER,  
*State Treasurer.*

*Treasurer of Michigan in account with State of Michigan.*

| DR.                  |                     | CR.                   |                     |
|----------------------|---------------------|-----------------------|---------------------|
| To bal. in treasury  |                     | By am't p'd on acc't  |                     |
| Nov. 30, 1846,       | \$78,561 00         | of conting't fund,    | \$661 57            |
| Receipts on acc't of |                     | Do general fund,      | 175,361 82          |
| general fund,        | 185,134 46          | Do int. impt. do      | 523,397 88          |
| Do in. impt. fund,   | 493,449 01          | Do primary school     |                     |
| Do primary sch'l do  | 37,826 98           | int. fund,            | 31,274 74           |
| Do do int. do        | 23,419 70           | Do state building     |                     |
| Do state building do | 1,600 74            | fund,                 | 7,822 24            |
| Do university do     | 13,221 99           | Do univer. int. fu'd, | 17,907 25           |
| Do do in't do        | 10,955 95           | Treas'y notes bur'd,  | 23,274 00           |
|                      |                     | Balance in treasury,  | 64,470 33           |
|                      | <u>\$844,169 83</u> |                       | <u>\$844,169 83</u> |

## LEDGER BALANCES ON STATE TREASURER'S BOOKS, Nov. 30, 1847.

|                       |                     |                      |                     |
|-----------------------|---------------------|----------------------|---------------------|
| Cash,                 | \$64,470 33         | University fund,     | \$76,371 99         |
| University int. fu'd  | 1,820 23            | State building fund, | 4,668 98            |
| Primary sch'l int, do | 4,873 55            | Treasury notes,      | 1,726 00            |
| Int. impt' fund       | 240,296 53          | Primary school fund, | 129,880 61          |
|                       |                     | General fund,        | 94,719 38           |
|                       |                     | Contingent fund,     | 1,193 71            |
|                       | <u>\$311,560 67</u> |                      | <u>\$311,560 67</u> |

## CONTINGENT FUND.

|                     |                   |                     |                   |
|---------------------|-------------------|---------------------|-------------------|
| To war'nts paid du- |                   | By balance Nov. 30, |                   |
| ring fiscal year,   | \$661 57          | 1846,               | \$1,855 28        |
| Balance,            | 1,193 71          |                     |                   |
|                     | <u>\$1,855 28</u> |                     | <u>\$1,855 28</u> |

## GENERAL FUND.

|                    |                   |                    |                     |
|--------------------|-------------------|--------------------|---------------------|
| To warrants paid   |                   | By bala'e Nov. 30, |                     |
| during fiscal y'r, | \$175,361 82      | 1846,              | \$84,946 74         |
| Balance,           | 94,719 38         | By receipts during |                     |
|                    |                   | fiscal year,       | 185,134 46          |
|                    | <u>270,081 20</u> |                    | <u>\$270,081 20</u> |

## PRIMARY SCHOOL FUND.

| DR.         |                     |                                 |           | CR.                 |
|-------------|---------------------|---------------------------------|-----------|---------------------|
| To balance, | \$129,880 61        | By balance Nov. 30, 1846,       |           | \$92,053 63         |
|             |                     | By receipts during fiscal year, | 37,826 98 |                     |
|             | <u>\$129,880 61</u> |                                 |           | <u>\$129,880 61</u> |

## PRIMARY SCHOOL INTEREST FUND.

|                                     |                    |                                 |                    |
|-------------------------------------|--------------------|---------------------------------|--------------------|
| To warrants paid during fiscal y'r, | \$31,274 74        | By balance Nov. 30, 1846,       | \$2,981 49         |
|                                     |                    | By receipts during fiscal year, | 23,419 70          |
|                                     |                    | By balance,                     | 4,873 55           |
|                                     | <u>\$31,274 74</u> |                                 | <u>\$31,274 74</u> |

## STATE BUILDING FUND.

|                                     |                    |                                 |                    |
|-------------------------------------|--------------------|---------------------------------|--------------------|
| To warrants paid during fiscal y'r, | \$7,822 24         | By balance Nov. 30, 1846,       | \$10,890 48        |
| To balance,                         | 4,668 98           | By receipts during fiscal year, | 1,600 74           |
|                                     | <u>\$12,491 22</u> |                                 | <u>\$12,491 22</u> |

## TREASURY NOTES.

|                                     |                    |                           |                    |
|-------------------------------------|--------------------|---------------------------|--------------------|
| To amount burned during fiscal y'r, | \$23,274 00        | By balance Nov. 30, 1846, | \$25,000 00        |
| To balance,                         | 1,726 00           |                           |                    |
|                                     | <u>\$25,000 00</u> |                           | <u>\$25,000 00</u> |

## UNIVERSITY FUND.

|             |                    |                                 |                    |
|-------------|--------------------|---------------------------------|--------------------|
| To balance, | \$79,371 99        | By balance Nov. 30, 1846,       | \$66,150 00        |
|             |                    | By receipts during fiscal year, | 13,221 99          |
|             | <u>\$79,371 99</u> |                                 | <u>\$79,371 99</u> |

| DR.                                  |                    | UNIVERSITY INTEREST FUND.      |           | CR.                |
|--------------------------------------|--------------------|--------------------------------|-----------|--------------------|
| To warrants paid during fiscal year, | 17,907 25          | By balance Nov. 30, 1846,      |           | 5,081 04           |
|                                      |                    | " receipts during fiscal year, | 10,955 95 |                    |
|                                      |                    | " balance,                     | 1,920 26  |                    |
|                                      | <u>\$17,907 25</u> |                                |           | <u>\$17,907 25</u> |

| DR.                                 |                     | INTERNAL IMPROVEMENT FUND.     |            | CR.                 |
|-------------------------------------|---------------------|--------------------------------|------------|---------------------|
| To balance Nov. 30, 1846,           | 210,347 66          | By receipts during fiscal year | 493,275 51 |                     |
| " warrants paid during fiscal year, | 523,397 68          | " transfer from sinking fund,  | 173 50     |                     |
|                                     |                     | " balance,                     | 240,296 53 |                     |
|                                     | <u>\$733,745 54</u> |                                |            | <u>\$733,745 54</u> |





# INDEX.

## A.

|                                                                                                      |            |
|------------------------------------------------------------------------------------------------------|------------|
| <b>Appropriations,</b>                                                                               |            |
| for pay of legislature,                                                                              | 1          |
| defraying expenses of volunteer regiment,                                                            | 4          |
| payment of A. Harvie,                                                                                | 15, 16     |
| of internal improvement land—see <i>Internal Improvement Lands</i> .                                 |            |
| of highway taxes—see <i>Non-resident highway taxes</i> .                                             |            |
| for completion of Capitol buildings and grounds,                                                     | 233        |
| for salaries of state officers,                                                                      | 277        |
| for fitting up supreme court room,                                                                   | 294        |
| for fitting up Adjutant General's room,                                                              | 294        |
| for expenses authorized for 1848,                                                                    | 322 to 329 |
| <b>Acting Commissioner,</b>                                                                          |            |
| to locate Capitol—office abolished,                                                                  | 234        |
| <b>Auditors, Board of</b> —on land claims,                                                           |            |
| meetings of,                                                                                         | 209        |
| powers and duties defined,                                                                           | 209        |
| special meeting,                                                                                     | 461        |
| <b>Assessment</b> —for purposes of taxation,                                                         |            |
| on lots or blocks of unrecorded town or village plats,                                               | 75, 76     |
| <b>Attorneys and Counsellors</b> —of supreme court,                                                  |            |
| may practice as solicitors, &c.,                                                                     | 70         |
| <b>Albion,</b>                                                                                       |            |
| village—alley vacated,                                                                               | 102        |
| <b>Annual Reports,</b>                                                                               |            |
| of state officers, to be delivered to Secretary of Senate and Clerk of House of Representatives,     | 204        |
| <b>Auditor General,</b>                                                                              |            |
| to charge counties annually with quota of state tax,                                                 | 3          |
| member of board of state auditors,                                                                   | 9          |
| to draw land warrants, on certificates and orders of special commissioners, &c.,                     | 174        |
| with State Treasurer, to give notice of cancelment of internal improvement warrants and state bonds, | 229, 230   |

*Auditor General.*

|                                                                                   |               |
|-----------------------------------------------------------------------------------|---------------|
| duties in estimating deficiency to meet interest on state debt,                   | 239           |
| to superintend completion of Capitol and improvements at Lansing,                 | 233           |
| to sell certain state tax lands at private sale,                                  | 254, 255, 256 |
| to redeem certain state tax lands,                                                | 256           |
| to offer at public sale certain lands,                                            | 256           |
| to publish annually list of lands delinquent but not sold, for error, &c.,        | 257           |
| to be Fund Commissioner,                                                          | 293           |
| to charge State Treasurer with discount of stock purchased by Fund Commissioners, | 295           |
| to credit Treasurer with stock cancelled,                                         | 293           |
| to issue certain warrant,                                                         | 451           |
| do do do                                                                          | 464           |

*Attorney General,*

|                                                                  |   |
|------------------------------------------------------------------|---|
| to appear in behalf of the state before Board of State Auditors, | 9 |
|------------------------------------------------------------------|---|

*Adrian*—village of,

|                                     |          |
|-------------------------------------|----------|
| authorized to borrow certain money, | 310, 311 |
| vote of electors thereon,           | 310      |
| investment of the loan,             | 310      |
| Insurance Company,—charter amended, | 316      |

*Andrews, Joel R.,*

|                                     |    |
|-------------------------------------|----|
| authorized to convey certain lands, | 55 |
|-------------------------------------|----|

*Assessors,*

|                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| at the time of making assessment roll, to prepare certain statistical tables, | 408 and 463 |
| to return the same to the county clerk,                                       | 408 and 463 |

## B.

*Battle Creek*, township,

|                           |    |
|---------------------------|----|
| taxes for 1847, extended, | 12 |
|---------------------------|----|

*Bedford*,

|                                     |    |
|-------------------------------------|----|
| township, taxes for 1847, extended, | 21 |
|-------------------------------------|----|

*Brighton*,

|                                     |    |
|-------------------------------------|----|
| township, taxes for 1847, extended, | 21 |
|-------------------------------------|----|

*Bertrand*,

|                                                       |     |
|-------------------------------------------------------|-----|
| township, state taxes of 1847 to be assessed in 1848, | 254 |
|-------------------------------------------------------|-----|

*Burnham, Hiram*

|                                                   |     |
|---------------------------------------------------|-----|
| authorized to purchase certain salt spring lands, | 205 |
|---------------------------------------------------|-----|

*Bonds, Official*

|                                                                                |     |
|--------------------------------------------------------------------------------|-----|
| certain bonds to be filed with Secretary of State,                             | 216 |
| when filed elsewhere, certificate thereof to be filed with Secretary of State, | 215 |

*Bridges*,

|                                                                           |     |
|---------------------------------------------------------------------------|-----|
| authorized at Flint,                                                      | 46  |
| across Grand river—                                                       |     |
| at mouth of river Rouge,                                                  | 49  |
| at Kalamazoo,                                                             | 417 |
| repairs of, reconstruction, &c., generally,                               | 172 |
| in Berrien county, to be built and repaired by supervisors of the county, | 391 |

|                                                                      |     |
|----------------------------------------------------------------------|-----|
| <b>Bridges,</b>                                                      |     |
| free bridge authorized across Clinton river at Pontiac,              | 431 |
| one at river Rouge,                                                  | 432 |
| " Cass river,                                                        | 433 |
| " in the county of Kent,                                             | 435 |
| <b>Butler Nancy</b>                                                  |     |
| lands escheated, released to                                         | 242 |
| <b>Blind Asylum, see Deaf and Dumb.</b>                              |     |
| <b>Buck George,</b>                                                  |     |
| authorized to purchase certain lands;                                | 249 |
| <b>Berrien County,</b>                                               |     |
| supervisors of to build and repair certain bridges,                  | 321 |
| to levy tax for that purpose,                                        | 321 |
| <b>Byron,</b>                                                        |     |
| village, alley vacated,                                              | 335 |
| <b>Burial Ground,</b>                                                |     |
| to be donated to the town of Michigan,                               | 349 |
| <b>Bonds,—issue of on state indebtedness,</b>                        |     |
| on surrender of internal improvement warrants,                       | 228 |
| denomination of bonds,                                               | 228 |
| when and where payable,                                              | 228 |
| warrants surrendered to be cancelled,                                | 228 |
| bonds receivable for state lands,                                    | 228 |
| on part paid \$5,000,000 loan bonds,                                 | 251 |
| denomination of such new bonds,                                      | 251 |
| payable in New York,                                                 | 251 |
| old bonds surrendered to be cancelled,                               | 232 |
| form of bonds,                                                       | 232 |
| holders of new bonds entitled to claims of the state vs. U. S. Bank, |     |
| &c.,                                                                 | 232 |
| interest on new bonds,                                               | 348 |
| <b>Board of State Auditors,</b>                                      |     |
| costs on claims referred,                                            | 457 |
| claims referred to—Henry B. Lathrop's,                               | 438 |
| Benjamin Porter's                                                    | 440 |
| sundry claims growing out of removal of capitol,                     | 443 |
| Alexander Titchworth,                                                | 443 |
| James Watkins,                                                       | 448 |
| John L. Smith and H. Richardson,                                     | 449 |
| Chapel and Price,                                                    | 450 |
| N. and H. Bennett,                                                   | 452 |
| Patrick Kilfoil,                                                     | 453 |
| J. L. F. Langley,                                                    | 454 |
| Attorney General,                                                    | 458 |
| John Keane,                                                          | 459 |
| Bird and Kent,                                                       | 459 |
| Whitney Jones,                                                       | 462 |
| Edward G. Adderly,                                                   | 464 |
| Joab Page                                                            | 465 |
| William Mabury,                                                      | 466 |
| Sheldon Mathews,                                                     | 466 |

|                                                                                                                       |                      |
|-----------------------------------------------------------------------------------------------------------------------|----------------------|
| <i>Board of Auditors on land claims,</i>                                                                              |                      |
| powers and duties,                                                                                                    | 209                  |
| to hold special meeting,                                                                                              | 461                  |
|                                                                                                                       | C.                   |
| <i>County Courts,</i>                                                                                                 |                      |
| exclusive jurisdiction,                                                                                               | 237                  |
| concurrent with circuit,                                                                                              | 237                  |
| grand jury—where returned in,                                                                                         | 237                  |
| persons indicted in county court, may elect to be tried before circuit judge,                                         | 237                  |
| proceedings in such case,                                                                                             | 236                  |
| petit jury, when—how summoned,                                                                                        | 238                  |
| criminal trials,                                                                                                      | 236                  |
| transfer of causes from circuit court,                                                                                | 238                  |
| compensation of judges in criminal cases,                                                                             | 239                  |
| provisions of the act relative to criminal jurisdiction of county court, not to take effect until 1st February, 1849, | 240                  |
| recognizances in criminal cases when returnable,                                                                      | 240                  |
| <i>Circuit Courts,</i>                                                                                                |                      |
| state, to be divided into five circuits,                                                                              | 237, 239             |
| cases transferable to county courts,                                                                                  | 236, 240             |
| may be tried in circuit court at election of party,                                                                   | 236, 240             |
| circuit judge may try indictments found in county courts,                                                             | 237                  |
| judge of 3d circuit to fix times of holding circuit courts,                                                           | 239                  |
| indictments found in the circuit court may be proceeded in there,                                                     | 239                  |
| motions in arrest of judgment,                                                                                        | 239                  |
| for new trial,                                                                                                        | 239                  |
| circuit judge may reserve case for supreme court,                                                                     | 349                  |
| may grant supersedeas in vacation,                                                                                    | 350                  |
| bills of exception—when to be perfected, &c.,                                                                         | 350                  |
| <i>Circuit Courts in Chancery,</i>                                                                                    |                      |
| assignments of justices, to hold terms of,                                                                            | 10                   |
| may authorize purchase and discharge of incumbrance on infants' estate, &c.,                                          | 140                  |
| <i>Chancery,</i>                                                                                                      |                      |
| masters in—number increased,                                                                                          | 11                   |
| <i>County Register,</i>                                                                                               |                      |
| to record certain town plats,                                                                                         | 142                  |
| <i>Counties—organized,</i>                                                                                            |                      |
| Sanilac,                                                                                                              | 344                  |
| Houghton,                                                                                                             | 345                  |
| Schoolcraft,                                                                                                          | 345                  |
| Ontonagon,                                                                                                            | 345                  |
| Marquette,                                                                                                            | 345                  |
| <i>Cottonwood Swamp—turnpike company,</i>                                                                             |                      |
| charter amended,                                                                                                      | 161, 162             |
| <i>Canal—at Grand Rapids,</i>                                                                                         |                      |
| act to authorize amended,                                                                                             | 16, 17, 18, 152, 153 |

|                                                                               |            |
|-------------------------------------------------------------------------------|------------|
| <i>Canal,</i>                                                                 |            |
| at St. Marys—                                                                 |            |
| act to authorize amended,                                                     | 51,52      |
| <i>Calhoun County,</i> poor laws,                                             | 241        |
| treasurer of to perform certain duties,                                       | 12,13      |
| <i>Canvass, Senatorial</i>                                                    |            |
| in district No. 4, to be held at Cassopolis,                                  | 23         |
| in district No. 5, at Kalamazoo,                                              | 23         |
| <i>Cannon, Mark,</i>                                                          |            |
| authorized to purchase certain lands,                                         | 72         |
| <i>Carpenters and Joiners,</i>                                                |            |
| union society of Detroit:                                                     |            |
| incorporated,                                                                 | 234 to 236 |
| <i>Cole Jemima,</i>                                                           |            |
| authorized to convey certain lands,                                           | 334        |
| <i>Chippewa County,</i>                                                       |            |
| time of collecting taxes, in changed,                                         | 406,407    |
| time of annual meeting of supervisors changed,                                | 406,407    |
| <i>Commissioner of State Land Office,</i>                                     |            |
| authorized to sell certain lands to township of Caledonia,                    | 22         |
| to receive new bonds from Lenawee county on university loan, and              |            |
| cancel old bonds,                                                             | 50         |
| to reserve certain lands from sale for special purposes, 33, 46, 47, 84, 103, |            |
| 105, 108, 164, 168, 248, 251, 349, 417, 421, 424, 426, 433, 434.              |            |
| to issue certificates for certain salt spring lands to Joseph Miller, M.      |            |
| Cannon and others,                                                            | 72         |
| to issue certificate to Asa Pratt,                                            | 89, 90     |
| to issue new certificates in certain cases,                                   | 193        |
| do do to H. Burnham,                                                          | 205        |
| to reserve lots at Lansing for schools, &c.,                                  | 233        |
| to issue certificate to Geo. Buck,                                            | 249        |
| do do to John Worst,                                                          | 445        |
| duties of, relative to sale of certain salt spring lands,                     | 448        |
| <i>County Clerks,</i>                                                         |            |
| to condense statistical returns of assessors, record and report the same      |            |
| annually to Secretary of State,                                               | 408        |
| same in relation to deaf, dumb, &c.,                                          | 463        |
| D.                                                                            |            |
| <i>Deaf and Dumb, &amp;c.,</i>                                                |            |
| asylum for,                                                                   | 246 to 248 |
| statistics relative to,                                                       | 463        |
| <i>Depositions,</i>                                                           |            |
| to be taken within the state—in what cases,                                   | 180        |
| notice of taking to be given and service of,                                  | 180, 181   |
| notice of taking may be waived,                                               | 181        |
| form of oath to deponent,                                                     | 181        |
| mode of examination of witness,                                               | 181        |
| deposition to be written by justice, witness, &c.,                            | 182        |

*Depositions,*

|                                                                                                     |          |
|-----------------------------------------------------------------------------------------------------|----------|
| certificate annexed,                                                                                | 162      |
| how deposition to be kept, &c.,                                                                     | 162      |
| objections to competency of witness,                                                                | 162      |
| when deposition may be used on second trial,                                                        | 162      |
| courts to make rules relative to opening, &c.,                                                      | 168      |
| When witness may be compelled to give deposition,                                                   | 163      |
| depositions of witnesses out of the state may be taken to be used in<br>suits before justices, &c., | 168      |
| certificate to such deposition,                                                                     | 163      |
| perpetuation of testimony, in what cases allowed, &c.,                                              | 163      |
| revised statutes relative to depositions repealed,                                                  | 163, 164 |

*Detroit City,*

|                                                                                            |                                          |
|--------------------------------------------------------------------------------------------|------------------------------------------|
| charter amended,                                                                           | 8, 9, 27, 28, 29, 40, 41, 42, 43, 44, 45 |
| taxes for 1847 extended,                                                                   | 13, 14                                   |
| Merchant's Exchange Company chartered,                                                     | 69, 70                                   |
| Young Men's Society to subscribe for certain stock,                                        | 69                                       |
| Fire Department,                                                                           | 69                                       |
| Carpenters and Joiners Union Society, charter of,                                          | 234 to 236                               |
| River, Sectional Floating Dock, Dry Dock and Marine Railway Com-<br>pany, charter amended, | 45                                       |

*Death,*

|                                                           |    |
|-----------------------------------------------------------|----|
| by wrongful act or neglect, declared a cause of action,   | 31 |
| by whom and for whose benefit suit to be brought thereon, | 31 |

*Divorce,*

|                                                              |     |
|--------------------------------------------------------------|-----|
| law of 1847 amending revised statutes relative to, repealed, | 194 |
|--------------------------------------------------------------|-----|

*Dams,—authorized to be built by*

|                                                  |          |
|--------------------------------------------------|----------|
| William H. Brown,                                | 23       |
| by John A. Brooks,                               | 29, 30   |
| by R. R. Thompson and Titus Yerkes,              | 43, 44   |
| by F. G. Hubinger and A. Cramer,                 | 102, 103 |
| by Peter M. Kinde,                               | 130, 131 |
| by Robert Palmer and Morris S. Allen,            | 184, 185 |
| by Daniel S. Lee, John Thomas and Cha's P. Bush, | 215, 216 |
| by L. B. Hill and P. S. Pennell,                 | 245, 246 |
| by Stephen V. Kinney,                            | 410      |

## E.

*Election—of county judges,*

|                                                                             |     |
|-----------------------------------------------------------------------------|-----|
| special election to be held on 1st Monday of April,                         | 51  |
| for county officers in Houghton, Schoolcraft, Ontonagon and Mar-<br>quette, | 347 |

*Essex, township,*

|                          |        |
|--------------------------|--------|
| taxes for 1847 extended, | 12, 13 |
|--------------------------|--------|

*Exemption—from taxation,*

|                            |     |
|----------------------------|-----|
| laws relative to, amended, | 147 |
|----------------------------|-----|

## F.

*Frenchtown, township*

|                          |   |
|--------------------------|---|
| taxes for 1847 extended, | 7 |
|--------------------------|---|

|                                                      |          |
|------------------------------------------------------|----------|
| <i>Florence, village of</i>                          |          |
| name changed to Fremont,                             | 71       |
| <i>First Presbyterian Church of Dexter,</i>          |          |
| name changed,                                        | 227      |
| <i>First Baptist Society of the town of Bristol,</i> |          |
| name changed,                                        | 227      |
| <i>First Society of the M. E. Church in Hadley,</i>  |          |
| name changed,                                        | 317      |
| <i>Flushing,</i>                                     |          |
| Union Church of, incorporated,                       | 339      |
| <i>Fund Commissioners,</i>                           |          |
| board constituted,                                   | 293      |
| powers and duties,                                   | 293      |
| <i>Funding State Debt,</i>                           |          |
| acts providing for,                                  | 228, 337 |

G.

|                                              |            |
|----------------------------------------------|------------|
| <i>Greenfield, township</i>                  |            |
| taxes for 1847 extended,                     | 20         |
| <i>Grand Rapids, village of</i>              |            |
| boundaries defined,                          | 111, 112   |
| charter amended,                             | 111, 112   |
| oath of trustees,                            | 111, 112   |
| canal,                                       | 16, 17, 18 |
| <i>Genesee County,</i>                       |            |
| supervisors authorized to build free bridge, | 46         |

H.

|                                                           |         |
|-----------------------------------------------------------|---------|
| <i>Hamtramck, township,</i>                               |         |
| taxes for 1847 extended                                   | 14, 15  |
| <i>Hathaway, Isaac B.</i>                                 |         |
| administrator, &c.—authorized to convey lands,            | 335     |
| <i>Harvie, Andrew</i>                                     |         |
| appropriation for pay of,                                 | 15      |
| <i>Homestead,</i>                                         |         |
| defined and exempted from forced sale,                    | 124     |
| exception to exemption,                                   | 124     |
| proceedings on levy where homestead has not been defined, | 125     |
| <i>Howell Academy,</i>                                    |         |
| charter of,                                               | 145     |
| <i>Howell, Sophia</i>                                     |         |
| minor heirs authorized to convey real estate,             | 216     |
| <i>Hubbard Diodate,</i>                                   |         |
| claim of referred to treasurer of Wayne county for audit, | 452     |
| <i>Hitchcock, Betsey</i>                                  |         |
| authorized to sell real estate,                           | 241     |
| <i>Hillsdale, village of</i>                              |         |
| acts legalized,                                           | 309     |
| <i>Highways, revised statutes relative to,</i>            |         |
| amended as to damages by,                                 | 49, 172 |
| “ duties of overseers,                                    | 71      |

|                                                                                                        |             |
|--------------------------------------------------------------------------------------------------------|-------------|
| <i>Highways</i> —amended,                                                                              |             |
| “ “ commissioners,                                                                                     | 74, 75, 172 |
| “ application for laying out,                                                                          | 100         |
| “ highway moneys to be refunded by treasurer of Barry county,                                          | 100         |
| <i>Houghton County</i> ,                                                                               |             |
| organized,                                                                                             | 345         |
| attached to Chippewa for representative purposes,                                                      | 347         |
| courts and county offices,                                                                             | 346, 347    |
| time of collecting taxes in, changed,                                                                  | 406, 407    |
| annual meeting of supervisors of                                                                       | 406, 407    |
| I.                                                                                                     |             |
| <i>Insurance Companies</i> ,                                                                           |             |
| Adrian Insurance Company, act to incorporate amended,                                                  | 316         |
| Macomb Co. Insurance Company chartered,                                                                | 317 to 321  |
| <i>Insurance on Lives</i> ,                                                                            |             |
| married women may insure lives of husbands and others for their own benefit, &c.,                      | 351         |
| insurance may be payable to children on death of wife, &c.,                                            | 351         |
| may be bequeathed,                                                                                     | 351         |
| <i>Insane Asylum</i> ,                                                                                 |             |
| act in relation to,                                                                                    | 246, 248    |
| <i>Ingham County</i> ,                                                                                 |             |
| supervisors authorized to borrow certain sum for erection of jail,                                     | 336         |
| <i>Infants</i> ,                                                                                       |             |
| incumbrances against real estate of, may be paid and discharged by order of court of chancery,         | 140         |
| <i>Insolvent</i> ,                                                                                     |             |
| oath of petitioning creditor, out of this state, may be made before judge of court of record,          | 55          |
| <i>Internal Improvement Warrants</i> ,                                                                 |             |
| issue of regulated,                                                                                    | 174         |
| <i>Internal Improvement Lands</i> ,                                                                    |             |
| title of state to proved by records and certified copies of a record to be made by Secretary of State, | 30          |
| <i>Internal Improvement Lands</i> , appropriated                                                       |             |
| for Holland Colony in Ottawa and Allegan,                                                              | 24          |
| “ bridge across Muskegon river and Newaygo road,                                                       | 32          |
| “ Flint free bridge,                                                                                   | 46          |
| “ Clinton river,                                                                                       | 47          |
| “ Detroit and Grand River road,                                                                        | 78          |
| “ Detroit and Saginaw turnpike,                                                                        | 80          |
| “ Paw Paw river,                                                                                       | 83          |
| “ road from Michigan to Allegan,                                                                       | 91          |
| “ “ “ Hastings to Battle Creek,                                                                        | 103         |
| “ “ “ Corunna to Bad river,                                                                            | 105         |
| “ Canal at river Raisin,                                                                               | 107         |
| “ Battle Creek and Michigan road,                                                                      | 112         |
| “ Brighton and Fentonville “                                                                           | 114         |



*Internal Improvement Lands appropriated for*

|                                                              |     |
|--------------------------------------------------------------|-----|
| " Fentonville and Flint                                      | 114 |
| " St. Joseph and Lagrange                                    | 162 |
| " Hopkins' Mills                                             | 164 |
| " bridge and Caisseway at Grand Haven,                       | 164 |
| " Kalamazoo river,                                           | 166 |
| " Holland Colony, in Saginaw and Tuscola,                    | 167 |
| " Detroit and Grand River road,                              | 205 |
| " Lapeer and St. Clair,                                      | 207 |
| " Vicksburg road in Kalamazoo county,                        | 210 |
| " Pontiac and Grand River road,                              | 212 |
| roads in Clinton county,                                     | 213 |
| bridge and streets at Lansing,                               | 233 |
| Eaton Rapids and Michigan road,                              | 249 |
| Constantine and Paw Paw road,                                | 250 |
| bridge at Kalamazoo,                                         | 417 |
| Jackson and Michigan road,                                   | 418 |
| Northern wagon road,                                         | 419 |
| roads in Branch county,                                      | 421 |
| Hillsdale and Indiana road,                                  | 422 |
| road from Lexington to Rogers' mills,                        | 424 |
| road from Albion to Eaton Rapids,                            | 426 |
| road from Mason to Dexter,                                   | 428 |
| roads and bridges, and draining of swamps in Lenawee county, | 430 |
| bridge at Pontiac,                                           | 431 |
| draw bridges over river Rouge,                               | 432 |
| Metamora and Holland Colony,                                 | 433 |
| bridge across Cass river,                                    | 433 |
| bridges in Kent county,                                      | 435 |

J.

|                                                                                                               |            |
|---------------------------------------------------------------------------------------------------------------|------------|
| <i>Judges of County Courts,</i>                                                                               |            |
| special election for,                                                                                         | 51         |
| in upper peninsula, how chosen,                                                                               | 316        |
| their powers and duties,                                                                                      | 347        |
| <i>Judges of Supreme Court,</i>                                                                               |            |
| see circuit and supreme courts.                                                                               |            |
| <i>Judicial District,</i>                                                                                     |            |
| in upper peninsula, organized, composed of the counties of Houghton,<br>Schoolcraft, Ontonagon and Marquette, | 346        |
| <i>Jackson,</i>                                                                                               |            |
| village charter,                                                                                              | 256 to 275 |

K.

|                                                               |     |
|---------------------------------------------------------------|-----|
| <i>Kalamazoo County,</i>                                      |     |
| supervisors of, authorized to build free bridge at Kalamazoo, | 417 |
| to select the lands appropriated for that purpose,            | 417 |

L.

|                                            |    |
|--------------------------------------------|----|
| <i>Loan, Five Million—</i>                 |    |
| coupons on full paid bonds of, to be paid, | 19 |

*Loan, Five Million-*

|                                                                                                          |     |
|----------------------------------------------------------------------------------------------------------|-----|
| interest on interest bonds issued, to be paid,                                                           | 19  |
| due university fund from Lenawee county, to be payable in six annual installments, from March 1st, 1848, | 50  |
| loans authorized to school district No. 11 of Coldwater,                                                 | 177 |
| to school district No. 1 of Battle Creek, Emmett and Bedford,                                            | 245 |
| to village of Adrian,                                                                                    | 310 |
| to county of Ingham,                                                                                     | 336 |

*Land Warrants,*

|                                                                        |     |
|------------------------------------------------------------------------|-----|
| certificates and orders of special commissioner on land appropriations |     |
| to be drawn on the Auditor General,                                    | 174 |
| when to be presented to Auditor General,                               | 174 |
| when to Commissioner of Land Office,                                   | 174 |

*Lake School District,*

|                          |          |
|--------------------------|----------|
| boundaries and officers, | 118, 119 |
|--------------------------|----------|

*Leoni Theological Institute,*

|             |          |
|-------------|----------|
| charter of, | 125, 126 |
|-------------|----------|

*Leoni Seminary,*

|             |          |
|-------------|----------|
| charter of, | 172, 173 |
|-------------|----------|

**M.***Manufacturing Companies, chartered*

|                               |            |
|-------------------------------|------------|
| Monroe Manufacturing Company, | 157, 154   |
| Washtenaw Woolen " "          | 195        |
| Ann Arbor " "                 | 225        |
| Marshall " "                  | 332 to 334 |

*Mining Companies, chartered*

|                              |          |
|------------------------------|----------|
| Copper Falls Mining Company, | 76 to 78 |
| North Western " "            | 81 to 83 |
| Pittsburgh and Boston " "    | 94 to 96 |
| " " " "                      | 117      |

Lake Superior Fishing and Mining Company, charter amended, 127 to 129

Lac La Belle Mining Company, 181 to 133

Bohemian " " 136 to 138

Albion " " 138 to 140

Douglass Houghton " " 148 to 149

Eagle Harbor " " 150 to 152

Medora " " 153 to 154

Ontonagon " " 155 to 157

North American " " 159 to 160

Quincy " " 185 to 186

New York and Michigan Mining company of Detroit, 187 to 188

Algonquin " " 189 to 190

Michigan " " 191 to 193

New England " " 221 to 228

National " " 223 to 225

Lake Superior " " of Eagle river, 331 to 332

Jackson " " 337 to 339

Mackinac and Lake Sup'r " " 341 to 342

*Monroe, township*

|                         |   |
|-------------------------|---|
| taxes of 1847 extended, | 7 |
|-------------------------|---|

|                                                                                                                                     |            |
|-------------------------------------------------------------------------------------------------------------------------------------|------------|
| <i>Monroe City,</i>                                                                                                                 |            |
| city charter election to be held on the 1st Monday of April,                                                                        | 46         |
| charter amended,                                                                                                                    | 69 to 89   |
| common council to select lands appropriated for canal, &c.                                                                          | 108        |
| <i>Militia,</i>                                                                                                                     |            |
| tax for support of, abolished,                                                                                                      | 53         |
| tax collected to be paid to certain battalions and independent companies,                                                           | 53         |
| residue to be paid to school inspectors,                                                                                            | 54         |
| <i>Miller, Joseph</i> —authorized to purchase certain salt spring lands,                                                            | 73         |
| <i>Merchants' Exchange Company,</i> of Detroit                                                                                      |            |
| charter of amended,                                                                                                                 | 69, 70     |
| <i>McLeod, Alexander</i>                                                                                                            |            |
| authorized to construct a canal from Cheboygan river to Lake Huron,                                                                 | 108, 109   |
| <i>Mackinac,</i> village                                                                                                            |            |
| charter                                                                                                                             | 120 to 123 |
| <i>Marquette,</i>                                                                                                                   |            |
| county organized.                                                                                                                   | 345        |
| attached to Chippewa for representative purposes,                                                                                   | 347        |
| courts in and county officers,                                                                                                      | 346, 347   |
| time of collecting taxes in changed,                                                                                                | 406, 407   |
| annual meeting of supervisors,                                                                                                      | 406, 407   |
| <i>Maingan, Charlotte</i>                                                                                                           |            |
| authorized to convey lands,                                                                                                         | 134        |
| <i>Mutchesepé Waonagua</i>                                                                                                          |            |
| authorized to convey lands,                                                                                                         | 135        |
| <i>Mariners' Church,</i> of Detroit                                                                                                 |            |
| incorporated,                                                                                                                       | 177 to 180 |
| <i>Moore, Milton</i>                                                                                                                |            |
| authorized to sell real estate,                                                                                                     | 241        |
| <i>Michigan,</i> town of                                                                                                            |            |
| name changed to "Lansing,"                                                                                                          | 368        |
|                                                                                                                                     | N.         |
| <i>Notes of Foreign Banks,</i>                                                                                                      |            |
| circulation prohibited,                                                                                                             | 252        |
| penalty,                                                                                                                            | 252        |
| purchase of foreign notes by incorporated companies prohibited,                                                                     | 253        |
| <i>Non-resident Highway Taxes,</i>                                                                                                  |            |
| appropriation of, on certain road in Barry county, to be refunded by the special commissioner,                                      | 101        |
| appropriated on Bellevue and Waterloo road,                                                                                         | 143        |
| appropriated on Benton and Vermontville road,                                                                                       | 170        |
| act to appropriate on road in Van Buren and Berrien counties, approved March 17, 1847, amended,                                     | 16         |
| <i>Noyes, D. W.</i>                                                                                                                 |            |
| authorized to purchase certain salt spring lands,                                                                                   | 72         |
|                                                                                                                                     | O.         |
| <i>Oaths of Office,</i>                                                                                                             |            |
| when required by law to be filed in any other office, certificate of the filing shall be filed in the office of Secretary of State, | 218        |
| when such certificate shall be filed,                                                                                               | 218        |

|                                                                                             |          |
|---------------------------------------------------------------------------------------------|----------|
| <i>Ol'vet Institute,</i>                                                                    |          |
| charter of,                                                                                 | 39, 40   |
| <i>Okitchegume, Margaret</i>                                                                |          |
| authorized to convey real estate,                                                           | 134      |
| <i>Okitchegume, Musquaba</i>                                                                |          |
| authorized to convey real estate,                                                           | 135      |
| <i>Orr, John—Administrator,</i>                                                             |          |
| authorized to sell certain lands, under authority of judge of probate of<br>Berrien county, | 217      |
| <i>Ontonagon County,</i>                                                                    |          |
| organized,                                                                                  | 345      |
| attached to Chippewa county,                                                                | 347      |
| time of collecting taxes in, changed,                                                       | 406, 407 |
| annual meeting of supervisors,                                                              | 406, 407 |

## P.

|                                                                                                                     |                |
|---------------------------------------------------------------------------------------------------------------------|----------------|
| <i>Plank Roads,</i>                                                                                                 |                |
| corporations for constructing, subject to general law,                                                              | 59             |
| acts of incorporation to specify commissioners, termini of road, capital, number of shares and duration of charter, | 59             |
| powers of company,                                                                                                  | 59             |
| powers of commissioners,                                                                                            | 60             |
| directors, how chosen,                                                                                              | 60             |
| their powers and duties,                                                                                            | 61, 62, 63, 66 |
| other officers of company,                                                                                          | 62             |
| service of process on company,                                                                                      | 62, 236        |
| lien of inhabitants of this state,                                                                                  | 236            |
| when company may use highways,                                                                                      | 63, 64         |
| width, grade and other description of plank road,                                                                   | 64             |
| toll gates,                                                                                                         | 65             |
| rates of toll,                                                                                                      | 65             |
| exemptions from toll,                                                                                               | 65, 66         |
| state tax on company,                                                                                               | 66             |
| when road must be commenced,                                                                                        | 66             |
| when finished,                                                                                                      | 66             |
| lien of state, for tax,                                                                                             | 67, 68         |
| penalties against company for hindrance of travel, &c.,                                                             | 110            |
| <i>Plank Road Companies chartered,</i>                                                                              |                |
| the Kalamazoo and Three Rivers Plank Road Company,                                                                  | 85, 86         |
| Detroit and Saline                                                                                                  | do 110         |
| Hillsdale and Indiana,                                                                                              | do 243, 244    |
| Grand River                                                                                                         | do 366, 367    |
| Monroe and Erie,                                                                                                    | do 367, 368    |
| Jackson and Michigan,                                                                                               | do 368, 369    |
| Brest and Ypsilanti,                                                                                                | do 369, 370    |
| Pontiac and Lapeer,                                                                                                 | do 370, 371    |
| Dexter and Michigan,                                                                                                | do 372         |
| Genesee County                                                                                                      | do 373         |
| Michigan and Mason,                                                                                                 | do 374         |
| Clinton and Bad River                                                                                               | do 375         |
| Detroit and Utica                                                                                                   | do 376         |

*Plank Road Companies chartered,*

|                               |    |          |
|-------------------------------|----|----------|
| Indiana and Adrian            | do | 377      |
| Lapeer and Pontiac            | do | 378      |
| Tecumseh and Jackson          | do | 379      |
| Romeo and Lapeer              | do | 380      |
| Battle Creek and Union City   | do | 381      |
| Detroit and Erin              | do | 382, 383 |
| Portland and Michigan         | do | 383, 384 |
| Mt. Clemens and Sterling      | do | 384, 385 |
| Owasso and Bad River          | do | 385      |
| Detroit and Birmingham        | do | 386      |
| Ann Arbor and Monroe          | do | 387      |
| Mt. Clemens and Romeo         | do | 388      |
| Rochester and Royal Oak       | do | 389      |
| Paw Paw                       | do | 390      |
| Monroe and Saline             | do | 391      |
| Kalamazoo and Black Lake      | do | 393      |
| Michigan and Dewitt           | do | 394      |
| Coronaa and Saginaw           | do | 395      |
| Ann Arbor and Michigan        | do | 396      |
| Brooklyn and Rome             | do | 397      |
| Detroit and Howell            | do | 398      |
| Eaton Rapids                  | do | 400      |
| Battle Creek and Michigan     | do | 401      |
| Battle Creek and Gull Prairie | do | 402      |
| Detroit and Mt. Clemens       | do | 403      |
| Flint and Fentonville         | do | 404      |
| New Baltimore and Romeo       | do | 405      |
| Adrian and Union City         | do | 412      |
| Adrian and Jackson            | do | 413      |
| Adrian and Bean Creek         | do | 414      |
| Adrian and White Pigeon       | do | 415      |
| Harrison and Jackson          | do | 416      |

*Partition of Real Estate,*

proceedings in, pending when revised statutes of 1846 took effect, to be proceeded in and determined in accordance with the statutes under which they were commenced,

8

*Pratt, Asa*

authorized to purchase certain lands,

89

*Probate Judge of Berrien county,*

may authorize John Orr to sell certain real estate,

217

*Poor Laws,*

act to revive in certain counties amended,

241

*Parsons, Sarah Maria and others,*

authorized to sell real estate

330

*Pewonagawink, township*

name changed to Montrose,

3

*Port Huron, township*

tax roll for 1848 legalized,

3

time for collecting taxes extended,

3

|                                                                  |                                                      |
|------------------------------------------------------------------|------------------------------------------------------|
| <i>Private Secretary of Governor,</i>                            |                                                      |
| how appointed,                                                   | 14                                                   |
| his compensation,                                                | 14                                                   |
| <i>Pontiac township,</i>                                         |                                                      |
| tax of 1847 extended,                                            | 27                                                   |
| tax sales for 1847,                                              | 172                                                  |
| common council of village, powers restricted,                    | 73, 74                                               |
| <i>Pontiac and Grand River Road,</i>                             |                                                      |
| act to establish &c., amended,                                   | 18, 19, 348                                          |
| <i>Pontiac and Genesee Rail Road Company,</i>                    |                                                      |
| charter of                                                       | 187 to 204                                           |
| <i>Postage,</i>                                                  |                                                      |
| of members and officers of legislature,                          | 437                                                  |
| <i>Printing,</i>                                                 |                                                      |
| joint resolution relative to, amended,                           | 439                                                  |
|                                                                  | R.                                                   |
| <i>Revised Statutes, amendments to,</i>                          |                                                      |
| chapter 5, sections 1 and 2, relative to inspectors of election, | 87                                                   |
| do 7, do 9                                                       | do county canvass, 314                               |
| do 8, do 1                                                       | do district canvass, 315                             |
| do 12, do 44                                                     | do board of state auditors, 9, 22                    |
| do 12, do 3                                                      | do private secretary of Governor, 14                 |
| do 16, do 24                                                     | do township meetings, special, 49                    |
| do 16, do 104                                                    | do justices in cities, 87                            |
| do 16,                                                           | do supervisors, 253                                  |
| do 16, do 55                                                     | do qualification of town officers, 313               |
| do 20, do 3                                                      | do personal property to be assess'd, 313             |
| do 20, do 5                                                      | do exemption from taxation, 147                      |
| do 20, do 18                                                     | do assessment and collect'n of taxes, 75             |
| do 20, do 31                                                     | do do do do 256                                      |
| do 20, do 70                                                     | do do do do 257                                      |
| do 20, do 82                                                     | do do do do 256                                      |
| do 20, do 122                                                    | do assessors in cities, 87                           |
| do 22, do 9                                                      | do duties of overseers of highways, 49               |
| do 22, do 14                                                     | do do do do 71                                       |
| do 24, do 21                                                     | do do of commissioners do 313                        |
| do 25, do 4                                                      | do do do do 99 100                                   |
| do 25, do 6                                                      | do do do do 49                                       |
| do 25, do 8                                                      | do do do do 74                                       |
| do 25, do 27                                                     | do do do do 74, 75                                   |
| do 27,                                                           | do erection and rep'r of bridges, 171 172            |
| do 28                                                            | do duties of com'r & overs'r highw's, 315            |
| do 38, do 26                                                     | do moneys received for licenses, 315                 |
| do 58, do 23                                                     | do primary school taxes, 103                         |
| do 58, do 140                                                    | do do do do 314                                      |
| do 79, do 14                                                     | do sale & redempt'n of lands taken in execution, 313 |
| do 79, do 19                                                     | do do do do 313                                      |
| do 79, do 37                                                     | do do do an mortgages, 314                           |
| do 79, do 38                                                     | do do do do 314                                      |

*Revised Statutes, amendments to*

|                       |                                               |     |
|-----------------------|-----------------------------------------------|-----|
| chap. 79,             | section added relative to sales on-execution, | 314 |
| do 84,                | relative to divorce,                          | 194 |
| do 90, do 110         | relative to foreclosure of mortgages,         | 314 |
| do 90, do 134         | do incumbrance on infants' estate,            | 140 |
| do 92, do 2           | do county judges,                             | 313 |
| do 92, do 30          | do four county courts,                        | 315 |
| do 92, do 32          | do attachments in do                          | 313 |
| do 92, do 34          | do foreclosure of mortgages in do             | 315 |
| do 93, do 10          | do suits before justices,                     | 313 |
| do 93, do 11 and 12   | do do do repealed,                            | 313 |
| do 93, do 190         | do books and papers of justices,              | 315 |
| do 94, do 13          | do crim. proceedings before justices,         | 5   |
| do 95, do 48          | do masters in chancery,                       | 11  |
| do 95, do 28 and 29   | do admission fees of attorneys, &c.,          | 70  |
|                       | repealed,                                     | 70  |
| do 95, do 50          | do masters in chancery,                       | 71  |
| do 102, do 44 to 52   | do proceedings to perpetuate testi-           | 123 |
|                       | mony, repealed,                               | 123 |
| do 123, do 3, 13      | do forcible entry and detainer,               | 313 |
| do 130, do 9          | do deed on mortgage sale,                     | 315 |
| do 142, do            | do insolvent debtors,                         | 55  |
| do 150, do 44, 45, 46 | do reports of fees &c., repealed,             | 313 |
| do 154, do 49         | do offences against property,                 | 314 |
| do 172, do 6          | do officers of state prison,                  | 275 |
| do 172, do 16         | do trades taught in state prison,             | 275 |
|                       | repealed,                                     | 275 |
| do 172, do 19         | do salaries of prison officers,               | 275 |
| do 172, do 20         | do books for convicts,                        | 275 |
| do 172, do 25         | do state prison agent,                        | 275 |
| do 172, do 27         | do do do                                      | 275 |
| do 172, do 28         | do do do                                      | 275 |
| do 172, do 35         | do prison officers repealed,                  | 276 |
| do 172, do 55         | do discharged convicts,                       | 276 |
| do 172, do 67         | do fees of sheriff,                           | 276 |

*Rail Road Companies,*

|                                                |            |
|------------------------------------------------|------------|
| Shelby and Detroit R. R. Co., charter amended, | 96, 99     |
| Pontiac and Genesee R. R. Co., incorporated,   | 197 to 204 |
| Michigan Central R. R. Co., charter amended,   | 276, 277   |
| St. Joseph Valley R. R. Co., incorporated,     | 278 to 292 |
| Genesee and Oakland R. R. Co., incorporated,   | 294 to 309 |
| Ottawa and Oakland R. R. Co., incorporated,    | 351 to 356 |

*Bathbone, Joel*

|                                   |    |
|-----------------------------------|----|
| authorized to sell certain lands, | 26 |
|-----------------------------------|----|

*Rector of St. Anne's Church, Detroit,*

|                                                    |    |
|----------------------------------------------------|----|
| authorized to sell certain lands in Macon Reserve, | 59 |
|----------------------------------------------------|----|

*Religious Societies,*

|                                        |          |
|----------------------------------------|----------|
| organized,                             | 339      |
| names changed,                         | 227      |
| in Lansing, entitled to building lots, | 348, 349 |

|                                                                                                                                   |                  |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------|
| <i>Richard Gabriel,</i><br>escheated estate of, released to devisees,                                                             | 242              |
| S.                                                                                                                                |                  |
| <i>State Tax, General</i><br>for 1847, legalized, when assessed,                                                                  | 2                |
| where omitted, the same to be assessed,                                                                                           | 2                |
| for 1848 and thereafter, to be 2½ mills on the dollar,                                                                            | 3                |
| special, on corporations, lien and collection of,                                                                                 | 67, 68           |
| <i>Stone, Marcus S.</i><br>authorized to convey real estate,                                                                      | 116              |
| <i>School Districts,</i><br>frac'l district in Macomb and St. Clair counties bounded and defined,                                 | 117, 118         |
| district No. 11 in Coldwater authorized to borrow certain money,                                                                  | 177              |
| dist. No. 1 in Battle Creek, Emmett and Bedford authorized to borrow money,                                                       | 247              |
| each district in Lansing entitled to donation of lot for site of school house,                                                    | 348              |
| <i>Superintendent of Public Instruction,</i><br>duties of,                                                                        | 40, 173          |
| <i>Swamps,</i><br>act to provide for draining, &c., amended,                                                                      | 21, 22, 311, 312 |
| <i>St. Mary's Canal Company,</i><br>charter amended,                                                                              | 51, 52           |
| <i>State Printer</i><br>to deliver annual reports of state officers to Secretary of Senate and Clerk of House of Representatives, | 204              |
| <i>Supervisors, Board of</i><br>in each county, may fix compensation of county judge, for services in criminal cases,             | 239              |
| <i>Supervisor</i><br>to be agent for his township, and bring and defend suits, &c.,                                               | 253              |
| <i>State roads,</i><br>act of March 17th, 1847, relative to, amended,                                                             | 5                |
| from Ceresco through Convis, to line of Battle Creek and Bellevue road,                                                           | 67               |
| from Flint to Byron,                                                                                                              | 68               |
| Michigan to Allegan,                                                                                                              | 90 to 98         |
| in Allegan county,                                                                                                                | 93, 94           |
| from Thorn's Mill to Axford's,                                                                                                    | 97               |
| Lexington to Lapeer,                                                                                                              | 101, 102         |
| Brighton to Fentonville,                                                                                                          | 176              |
| Montcalm to Grand Rapids,                                                                                                         | 144              |
| Benton to Vermontville,                                                                                                           | 170              |
| in Ingham, Genesee and Livingston,                                                                                                | 175              |
| from Flint to Michigan,                                                                                                           | 219              |
| Lansing to Tompkins,                                                                                                              | 219              |
| Fentonville to Byron,                                                                                                             | 219              |
| Mill point to Grand Rapids,                                                                                                       | 219              |
| Byron to Lansing,                                                                                                                 | 220              |



*State Roads,*

|                                 |     |
|---------------------------------|-----|
| Marshall to Lansing,            | 220 |
| Flint to Lansing,               | 220 |
| Corunna to Shiawassee,          | 220 |
| Corunna to Flushing,            | 221 |
| Fentonville to Springfield,     | 227 |
| Marshall to Eaton Rapids,       | 329 |
| Flushing to Saginaw,            | 335 |
| Michigan to Mason,              | 340 |
| Michigan to Saginaw City,       | 409 |
| in Montcalm and Ionia counties, | 411 |

*Secretary of State*

|                                                                  |          |
|------------------------------------------------------------------|----------|
| authorized to sell certain paper and books,                      | 11       |
| to make record of approval by U. S. of selection of state lands, | 30       |
| to file certain oaths and bonds,                                 | 218      |
| to sign bonds issued by state,                                   | 232      |
| to be fund commissioner,                                         | 293      |
| certain duties of,                                               | 348, 349 |
| to make statistical reports annually to the legislature,         | 408, 463 |
| to furnish members of legislature with certain documents,        | 438      |
| to procure carpet for library room,                              | 439      |
| to publish certain laws,                                         | 441, 446 |
| to distribute state papers,                                      | 444      |
| do certain documents,                                            | 445      |
| to appoint assistant Librarian,                                  | 453      |

*State Treasurer*

|                                                                                                                                 |          |
|---------------------------------------------------------------------------------------------------------------------------------|----------|
| to pay and cancel certain coupons on full paid \$5,000,000 loan bonds,                                                          | 19       |
| to pay interest bonds for interest on same,                                                                                     | 19       |
| to transfer to credit of general fund the amount of all such payments,<br>out of proceeds of tax, under act of 8th March, 1943, | 20       |
| when to give notice of redemption of internal improvement bonds, is-<br>sued under act of 1848,                                 | 229      |
| to cancel internal improvement warrants surrendered,                                                                            | 229      |
| do certain coupons,                                                                                                             | 230      |
| do do bonds,                                                                                                                    | 230      |
| to give notice to Governor of cancelment of warrants and bonds,                                                                 | 229, 230 |
| to keep registry of all bonds issued,                                                                                           | 229, 230 |
| to purchase and procure deed of certain land,                                                                                   | 233      |
| to be fund commissioner,                                                                                                        | 293      |
| certain duties,                                                                                                                 | 349      |

*State Auditors,*

|                                     |     |
|-------------------------------------|-----|
| to fix time of hearing claims,      | 22  |
| to give notice to Attorney General, | 22  |
| to award costs on claims referred,  | 457 |
| may issue subpoena,                 | 22  |
| Auditor General one of Board,       | 9   |

*Special Commissioners on Land Appropriations,*

|                                                                     |     |
|---------------------------------------------------------------------|-----|
| may omit to select lands appropriated,                              | 175 |
| to draw certificate on Auditor General in payment of contract, &c., | 175 |
| certificate payable in warrants,                                    | 175 |
| warrant to be presented at land office within two years,            | 176 |

*Special Commissioners,*

|                                                                   |          |
|-------------------------------------------------------------------|----------|
| on Benton and Vermontville state road, to perform certain duties, | 170, 171 |
| on certain state road in Barry county, to refund certain moneys,  | 100      |
| on Bellevue and Waterloo state road to perform certain duties,    | 143      |

*Special Commissioners, on land appropriations,  
authorized and duties defined,*

|                                                                       |            |
|-----------------------------------------------------------------------|------------|
| on appropriation for imp't of Holland Colony roads, &c.,              | 24 to 26   |
| do do do bridge over Muskegon river,                                  | 32 to 34   |
| do do do Nawaygo and Grand Rapids road,                               | 32 to 34   |
| do do do Detroit and Saginaw turnpike,                                | 80, 81     |
| do do do Detroit and Grand River road,                                | 78, 79     |
| do do do Paw Paw River,                                               | 83, 85     |
| do do do Michigan and Allegan road,                                   | 90 to 93   |
| do do do Hastings and Battle Creek road,                              | 103 to 105 |
| do do do Corunna and Bad river road,                                  | 105 to 107 |
| do do do Battle Creek and Michigan road,                              | 113, 114   |
| do do do Brighton and Fentonville road,                               | 114, 115   |
| do do do St. Joseph and Lagrange road,                                | 162 to 164 |
| do do do Grand Haven bridge, &c.,                                     | 164 to 166 |
| do do do Kalamazoo river,                                             | 166, 167   |
| do do do Holland Col'y Saginaw and Tuscola,                           | 167 to 169 |
| do do do Detroit and Grand River road,                                | 205, 206   |
| do do do Lapeer and St. Clair road,                                   | 207 to 209 |
| do do do Vicksburg road,                                              | 210, 211   |
| do do do Pontiac and Grand River road,                                | 212, 213   |
| do do do Clinton county roads,                                        | 213 to 215 |
| do do do Eaton Rapids and Michigan road,                              | 249, 250   |
| do do do Constantine and Paw Paw,                                     | 251, 252   |
| do do do canal at Grand Rapids,                                       | 152        |
| do do do Jackson and Michigan road,                                   | 418        |
| do do do Northern Wagon road,                                         | 419        |
| do do do Branch county roads,                                         | 421        |
| do do do Hillsdale and Indiana road,                                  | 422        |
| do do do Lexington and Rogers' Mills road,                            | 424        |
| do do do Albion and Eaton Rapids road,                                | 426        |
| do do do Mason and Dexter road,                                       | 428        |
| do do do Lenawee county roads, &c.,                                   | 430        |
| do do do bridge at Pontiac,                                           | 431        |
| do do do do over Cass river, and Metamora and<br>Holland Colony road, | 433        |

*Supreme Court,*

|                                                     |          |
|-----------------------------------------------------|----------|
| to consist of five judges,                          | 236, 237 |
| judges to hold circuit at least twice in each year, | 237      |

*Schoolcraft, County*

|                                                |          |
|------------------------------------------------|----------|
| organized,                                     | 345      |
| attached to Chippewa for Rep. purposes,        | 347      |
| courts and county officers,                    | 346, 347 |
| time of collecting taxes in, changed,          | 406, 407 |
| time of annual meeting of supervisors changed, | 406, 407 |

*Shafer, Louisa W. and others,*

|                                         |     |
|-----------------------------------------|-----|
| authorized to sell certain real estate, | 330 |
|-----------------------------------------|-----|

|                                                                                    |         |
|------------------------------------------------------------------------------------|---------|
| <i>Salt Spring Lands,</i>                                                          |         |
| 8 sections of, appropriated for asylum fund,                                       | 247     |
| certain lands to be sold,                                                          | 205, 72 |
| joint resolution relative to sale of,                                              | 448     |
| <i>State Tax Lands,</i>                                                            |         |
| unredeemed, may be purchased at private sale,                                      | 254     |
| price and conditions of such sale,                                                 | 254     |
| when Auditor General to execute deed thereon,                                      | 255     |
| reserved lands in Ingham, Clinton and Eaton counties to be offered at public sale, | 255     |
| subsequent tax not prejudiced by such sale,                                        | 256     |
| when purchase money on such sale refunded,                                         | 256     |
| sales under act of 1846 legalized,                                                 | 257     |
| <i>State Prison,</i>                                                               |         |
| inspectors, powers and duties,                                                     | 275     |
| salaries of officers,                                                              | 275     |
| chaplain to act as librarian,                                                      | 275     |
| powers and duties of agent,                                                        | 275     |
| mechanical trades to be taught in prison,                                          | 275     |
| lettings of convict labor,                                                         | 275     |
| discharged convict entitled to certain clothing and money,                         | 276     |
| sheriff's fees, &c.,                                                               | 276     |
|                                                                                    | T.      |
| <i>Townships, organization of, &amp;c.,</i>                                        |         |
| Wayne, name changed to Romulus,                                                    | 9       |
| Copper Harbor organized,                                                           | 35      |
| Eagle do do                                                                        | 35      |
| Houghton, do                                                                       | 35      |
| Portage, do                                                                        | 35      |
| Algonquin, do                                                                      | 35      |
| L'Ance, do                                                                         | 36      |
| Ontonagon, do                                                                      | 36      |
| Pe-wa-bee, do                                                                      | 36      |
| Isle Royal, do                                                                     | 36      |
| Grand Island, do                                                                   | 36      |
| Ste. Marie bounded,                                                                | 37      |
| Vergennes organized,                                                               | 55      |
| Wyoming do                                                                         | 56      |
| Leighton, do                                                                       | 56      |
| Gaines do                                                                          | 56      |
| Holland attached to Ottawa,                                                        | 56      |
| certain towns to Essex,                                                            | 56      |
| Bridgeport organized,                                                              | 56, 57  |
| Worth do                                                                           | 57      |
| Samilac do                                                                         | 57      |
| Wabacis changed to Courtland,                                                      | 57      |
| towns attached to Plainfield,                                                      | 57      |
| Cascade organized,                                                                 | 57      |
| White River do                                                                     | 57      |
| Rowland changed to Ransom,                                                         | 58      |

|                                                                                                         |              |
|---------------------------------------------------------------------------------------------------------|--------------|
| <i>Townships, organization of, &amp;c.,</i>                                                             |              |
| Hamtramck divided, &c.,                                                                                 | 58, 116      |
| Grosse Point organized, &c.,                                                                            | 58, 116, 244 |
| Brockway organized, *                                                                                   | 85           |
| Ionia, limits extended,                                                                                 | 109          |
| <i>Town Plats,</i>                                                                                      |              |
| act relative to record of, amended,                                                                     | 141          |
| penalty for not recording plat,                                                                         | 142          |
| prosecutions for penalty,                                                                               | 142          |
| plats not now on record, for want of certain requisites, to be recorded,                                | 142          |
| effect of such record,                                                                                  | 142          |
| <i>Township Clerks,</i>                                                                                 |              |
| to include certain expenses incurred in repairing of bridges, in their annual statement to supervisors, | 172          |
| <i>Taxes,</i>                                                                                           |              |
| in Flint, now enjoined, to be collected on dissolution of injunction,                                   | 52           |
| warrant for same renewed,                                                                               | 52           |
| township treasurer to perform certain duties,                                                           | 52           |
| sales for, in Clinton county in 1848,                                                                   | 54           |
| sales for, in Ingham county, do                                                                         | 54           |
| sales for, in Pontiac, for 1847,                                                                        | 228          |
| specific state tax, on corporations, lien of, levy and collection,                                      | 67, 68       |
| rejected, assessed on unrecorded town plats—to be re-assessed,                                          | 76           |
| assessment of, on exempt property,                                                                      | 147          |
| time of collecting in the counties of Houghton, Schoolcraft, Ontonagon and Marquette,                   | 406, 407     |
|                                                                                                         | U.           |
| <i>Union City,</i>                                                                                      |              |
| streets vacated,                                                                                        | 346          |
|                                                                                                         | V.           |
| <i>Van Buren County,</i>                                                                                |              |
| poor laws,                                                                                              | 241          |
| <i>Volunteer Regiment,</i>                                                                              |              |
| joint resolution relative to,                                                                           | 440          |
|                                                                                                         | W.           |
| <i>Wayne County,</i>                                                                                    |              |
| supervisors authorized to levy tax for erecting jail,                                                   | 31, 32       |
| board of auditors to repair or rebuild bridges over river Rouge,                                        | 432          |
| treasurer of to audit account of D. Hubbard,                                                            | 452          |
| <i>Woodstock Manual Labor School,</i>                                                                   |              |
| incorporated,                                                                                           | 37, 38       |
| <i>Wakazoo, Choni</i>                                                                                   |              |
| authorized to convey lands,                                                                             | 134          |
| <i>Wawawgibo, Mary Ann</i>                                                                              |              |
| authorized to convey lands,                                                                             | 134          |
| <i>Wiendagawish, Dominic</i>                                                                            |              |
| authorized to convey lands,                                                                             | 135          |

# INDEX.

495

*Wiendagawish, Michael*

authorized to convey lands,

135

*Wait, Sarah* and Charles and others,

authorized to sell lands,

330

*Woolcot, Harriet* administrators &c.,

authorized to convey lands,

335

Y.

*Young, Lois*

authorized to sell real estate,

161

10993







